

**IS THE MIDWAY ATOLL
NATIONAL WILDLIFE REFUGE
BEING PROPERLY MANAGED?**

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON FISHERIES, WILDLIFE,
OCEANS AND INSULAR AFFAIRS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

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OVERSIGHT HEARING ON IS THE MIDWAY ATOLL NATIONAL WILDLIFE REFUGE BEING PROPERLY MANAGED?

Thursday, November 20, 2014

U.S. House of Representatives

Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs

Committee on Natural Resources

Washington, DC

The subcommittee met, pursuant to call, at 11:12 a.m., in room 1334, Longworth House Office Building, Hon. John Fleming [Chairman of the Subcommittee] presiding.

Present: Representatives Fleming, Bordallo, Lowenthal and Garcia.

Also Present: Representative Bentivolio.

Mr. FLEMING. The subcommittee will come to order. The Chairman notes the presence of a quorum.

Good morning. Today we will hear testimony on whether the Fish and Wildlife Service is properly managing this unique, but isolated, refuge, which is more than 1,200 miles northwest of Honolulu, Hawaii.

STATEMENT OF THE HON. JOHN FLEMING, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Mr. FLEMING. As a former naval officer who was stationed in the Pacific, I have a great appreciation and recognition of the fact that the Battle of Midway was a pivotal battle in World War II and one of the most decisive naval events in world history.

Once the fighting stopped, it was clear that the efforts of the Japanese Navy to control the Pacific had been halted, and they were forced, in the words of Admiral Samuel Eliot Morison, to "an unexpected, unwelcomed, and defensive role."

During the battle, 349 Americans, including 49 men on Midway Island, made the ultimate sacrifice for the freedoms that we all cherish. In 1997, the U.S. Navy transferred title to the Midway Island to the U.S. Fish and Wildlife Service and it was established as a national wildlife refuge.

The purpose of the refuge was to maintain and restore its natural, biological diversity, to provide for the conservation and management of fish and wildlife and their habitat within the refuge boundaries, and to recognize and maintain the historic significance of Midway Atoll.

Two years later, the Congress approved and President Clinton signed into law a bill that designated the entire island as a national memorial to the Battle of Midway. Section 116 of Public Law 106-113 stipulates that the Secretary shall consult on a regular basis with such organizations, including the International Midway

Memorial Foundation, on the management of the National Memorial.

It is now 15 years since the National Memorial has been established and it is appropriate for the Congress to inquire whether the purposes of the refuge in Public Law 106–113 are being fulfilled.

For instance, has the Service consulted with the International Midway Memorial Foundation on a regular basis? Has the refuge been open to the public? Does the refuge have an organized visitors program? And has the Service properly maintained the various historic structures they are entrusted to protect?

Based on our investigation, it is clear that the Service has experienced a number of challenges in managing the Midway Island Refuge, and objective observers can certainly question whether it was a mistake to transfer this sacred ground to an agency that is far better equipped to maintain birds than visitors.

It is distressing to learn that the Service does not regularly consult with the International Midway Memorial Foundation, that the private company that operated the visitors program left the island more than 12 years ago, that a number of historic structures have been either destroyed or are marked for demolition, that the refuge has been entirely closed to the public for more than 2 years, and that, according to the Service, it would cost \$1.5 million to operate a 6-month visitors program.

Finally, in July of this year, Congressman John Duncan and I requested that the Government Accountability Office conduct a comprehensive analysis and report to the Congress on the management of the financial and historic aspects of the Midway Atoll. I am pleased that GAO has accepted our request. I am looking for answers from our witnesses today and from GAO in the not-too-distant future.

[The prepared statement of Mr. Fleming follows:]

PREPARED STATEMENT OF THE HON. JOHN FLEMING, CHAIRMAN, SUBCOMMITTEE ON
FISHERIES, WILDLIFE, OCEANS AND INSULAR AFFAIRS

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As a former naval officer who was stationed in the Pacific, I have a great appreciation and recognition of the fact that the Battle of Midway was a pivotal battle in World War II and one of the most decisive naval events in world history.

Once the fighting stopped, it was clear that the efforts of the Japanese Navy to control the Pacific had been halted and they were forced in the words of Admiral Samuel Eliot Morison to “an unexpected, unwelcomed, and defensive role.” During the battle, 349 Americans, including 49 men on Midway Island, made the ultimate sacrifice for the freedoms that we all cherish.

In 1997, the U.S. Navy transferred title to the Midway Island to the U.S. Fish and Wildlife Service (Service) and it was established as a national wildlife refuge. The purpose of the refuge was to “maintain and restore its natural biological diversity; to provide for the conservation and management of fish and wildlife and their habitat within the refuge boundaries; and to recognize and maintain the historic significance of Midway Atoll.”

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Finally, in July of this year, Congressman John Duncan and I requested that the Government Accountability Office (GAO) conduct a comprehensive analysis and report to the Congress on the management of the financial and historic aspects of the Midway Atoll. I am pleased that GAO has accepted our request. I am looking for answers from our witnesses today and from GAO in the not-too-distant future.

Mr. FLEMING. I am now pleased to recognize the acting Ranking Member, Congresswoman Madeleine Bordallo, for any statements she would like to make.

**STATEMENT OF THE HON. MADELEINE BORDALLO, A
REPRESENTATIVE IN CONGRESS FROM GUAM**

Ms. BORDALLO. Thank you very much, Mr. Chairman.

And I would like to welcome our witnesses this morning.

The Battle of Midway was a critical turning point for the United States in the Pacific theater during World War II. It helped to essentially eliminate the Japanese Navy and is a defining moment in our history.

We owe not only a debt of gratitude, but also a significant measure of our freedom, to the brave sailors, the airmen, soldiers, and Marines who fought and died during the Battle of Midway.

As Guam's congressional representative and as a ranking Democratic Member of the House Armed Services Subcommittee on Readiness, I have a keen understanding of the importance of the U.S. military history in the Pacific.

Particularly as we focus our national strategic attention to the Asia-Pacific Region, we must not forget the past sacrifices made by so many to keep our country safe and free.

I also have firsthand experience with the Pacific Island National Wildlife Refuge that has serious public access issues, the Guam National Wildlife Refuge, access to the refuge itself, and to private property contained within it has been contentious since its establishment in 1993, as has the conflict between the military activity and resource management.

So I continue to work to resolve some of these issues and protect natural resources while accommodating military training and public access.

I must point out, however, that Guam and Midway are markedly different. Although United Airlines has tried its best to link our two islands, Guam has a large resident population and an active naval base and an Air Force base, while Midway has neither.

Parts of Guam National Wildlife Refuge are co-managed with the Navy, in contrast Midway was fully transferred from the Navy to the Department of the Interior in 1996.

Finally, Midway is part of the Northwest Hawaiian Islands Marine National Monument, designated by President George W. Bush in 2006. The uniqueness of Midway Atoll makes adoption of different management strategies there appropriate and necessary.

Access to Midway is very expensive and very time-intensive. We will hear from some witnesses today that a private company offered to operate the refuge for free, but the evidence shows that is historical fiction.

In a March 2002 interview with the *Honolulu Advertiser*, the vice president of the Midway Phoenix Corporation stated the following—and I quote—“I feel certain that, strictly from a business standpoint, there is no contracting group in the world that is going to go out there and do it for free. We certainly couldn’t make it work doing it for free.”

He was speaking about Midway Phoenix’s attempt to profit from a tourism venture while also managing facilities at the refuge at no cost to taxpayers, as its agreement with the Fish and Wildlife Service stipulated.

Midway Phoenix lost \$15 million on its investment, and this quote is an admission that the company over-promised and under-delivered. The lesson as always: If something sounds too good to be true, it probably is.

Preservation of historic resources is expensive. If we valued it as a country, we should pay for it. Unfortunately, the budget for Midway Atoll has been cut by 25 percent since 2005.

Instead of recognizing that fact, Committee Republicans are scapegoating a Federal agency that is simply trying to do a big job with insufficient resources.

If any member of this committee is unsatisfied with the management of historic resources at Midway, I invite them, him or her, to join me in signing this letter to the Appropriations Committee requesting additional funding to do the job right or we could also see fit if United would like to make it a practice for flights from Honolulu to Guam to always stop at Midway Island.

Instead of trying to manufacture and perpetuate controversy, I would also like to use this hearing to highlight a problem facing Midway Atoll and the entire Pacific Ocean: marine debris.

All kinds of trash, from derelict fishing nets, to plastic bags, to cigarette lighters, are carelessly dumped into our oceans every day from all corners of the Earth. And this pollution has severe impacts on fish and wildlife resources.

And we will hear today from Photographer Chris Jordan, who has investigated this firsthand on Midway. And I look forward to hearing from not only Chris, but the other witnesses as well.

I thank you, and I yield back, Mr. Chairman.

Mr. FLEMING. Gentlelady yield backs.

I now ask unanimous consent that the gentleman from Michigan, Mr. Bentivolio, be allowed to sit with the committee and participate in the hearing.

Hearing no objection, so ordered.

Well, we will now hear from our panel of witnesses, which includes Mr. Kevin Foerster, Regional Refuge Chief, Pacific Region, U.S. Fish and Wildlife Service; Mr. Chris Jordan, Chris Jordan Photographic Arts; Mike Daak of Hilo, Hawaii; and Dr. James M. D'Angelo, Chairman, International Midway Memorial Foundation.

Your written testimony will appear in full in the hearing record. So I ask that you keep your oral statements to 5 minutes, as outlined in our invitation letter to you and under Committee Rule 4(a).

Our microphones are not automatic. So please press the button when you are ready to begin.

I also want to explain how our timing lights work. Very simply, you have 5 minutes. And a light will remain green until 1 minute is left. It will turn yellow. When it turns red, then you have already gone past your 5 minutes; so, please wrap up immediately.

Mr. Foerster, you are now recognized for 5 minutes to present testimony on behalf of the U.S. Fish and Wildlife Service.

**STATEMENT OF KEVIN FOERSTER, REGIONAL CHIEF,
NATIONAL WILDLIFE REFUGE SYSTEM, PACIFIC REGION,
U.S. FISH AND WILDLIFE SERVICE**

Mr. FOERSTER. Good morning, Chairman Fleming, Congresswoman Bordallo, and members of the subcommittee.

I am Kevin Foerster. I am the Regional Chief of the National Wildlife Refuge System with the U.S. Fish and Wildlife Service in the Pacific Region. I appreciate the opportunity to present the Service's testimony today regarding Midway Atoll National Wildlife Refuge and the Battle of Midway National Memorial.

In the Pacific Region, there are 67 national wildlife refuges spread throughout Idaho, Oregon, Washington, Hawaii, and the Pacific Islands. The Service also has management responsibilities for five national monuments in the Pacific. In 1 year, these refuges host nearly 8 million visitors, generate over \$320 million for local communities, and support almost 5,000 local jobs.

Midway Atoll contains only 1,500 acres and it lies 1,300 miles from Honolulu. Although it is small and remote, Midway is a very vitally important place. It is a national memorial created to honor and remember the historic events that happened there during World War II. The atoll provides essential habitat for a host of fish, wildlife, and plants.

In addition to its designation as a refuge and a memorial, it is also part of the Papahānaumokuākea Marine National Monument, which is a UNESCO World Heritage Site. It also serves as an emergency landing site designated by the FAA for the nearly 35,000 jet aircraft transiting the Pacific Ocean each year.

Biologically, Midway is special. More than 3.5 million birds call Midway home. This includes about 70 percent of the world's population of Laysan albatross, the largest population of these grand birds on Earth.

The atoll is also home to many endangered species, 24 native plant species, and a host of marine mammals, fish and invertebrates. The purpose of the refuge is to ensure ecological integrity and achieve strong, long-term protection for native resources as well as our cultural heritage.

The Service takes our role as trustee for this historic atoll seriously. We are committed to honoring America's veterans by commemorating their bravery and sacrifice by interpreting the history for the public.

We are also dedicated to conserving America's wildlife heritage through stewardship of Midway's natural resources. We work to strive a balance to achieve the purposes for which the refuge and memorial were designated.

Flat and declining budgets, increasing costs, reduced staff, and public safety concerns have caused the Service to suspend visitor services programs at Midway. We did not come to that decision lightly. Midway is a national memorial and a monument to those who served during the pivotal Battle of Midway.

But unlike the bronze and marble monuments here in our Nation's Capital, Midway's concrete and wood structures weren't built to withstand the ravages of the saltwater tropical environment.

As an example, we recently put \$1.6 million into renovating the Charlie Barracks to preserve it to make it usable for visitors and staff. Now we are finding that other aspects of the concrete building require substantial repairs before the barracks can be safely used.

When the military was active on Midway, the facility supported more than 5,000 people. Only 40 people currently live on Midway, but a significant amount of military infrastructure remains.

Midway's story is more than buildings. It is the courage and sacrifice of our veterans. We have worked with a variety of partners and stakeholders to safeguard the history of Midway Atoll, and now we are looking to the future.

We intend to open the island to visitors when capacity again becomes available. Until then, we are looking at partnerships and opportunities to bring the Battle of Midway and the story of Midway Atoll to many more Americans than would be able to visit the atoll even with the restored visitor services program.

Our new refuge manager out on Midway, Daniel Clark, is also a captain in the U.S. Coast Guard Reserve. Refuge Manager Clark has been tasked to lead meaningful and frequent collaboration and communication with the International Midway Memorial Foundation. He and his staff have collaborated with other veterans organizations, such as the American Battle Monuments Commission.

We are committed to working with the IMMF and other partners like the Commission to honor the men and women who have served during the Battle of Midway and at Midway Atoll. We view our role as trustee as one of utmost importance. We will continue to work diligently to balance the natural resource stewardship needs of the refuge while honoring our responsibility as custodians of the Battle of Midway National Memorial.

Mr. Chairman, we appreciate your interest in this issue, and we look forward to working with the subcommittee, IMMF, and the parties interested in Midway Atoll.

Thank you for the opportunity to speak today.

[The prepared statement of Mr. Foerster follows:]

PREPARED STATEMENT OF KEVIN FOERSTER, REGIONAL CHIEF, PACIFIC REGION,
NATIONAL WILDLIFE REFUGE SYSTEM, U.S. FISH AND WILDLIFE SERVICE,
DEPARTMENT OF THE INTERIOR

Good afternoon Chairman Fleming, Ranking Member Sablan, and members of the subcommittee, I am Kevin Foerster, Regional Chief for the National Wildlife Refuge System in the U.S. Fish and Wildlife Service's Pacific Region within the Department of the Interior. I appreciate the opportunity to testify before you today regarding the Midway Atoll National Wildlife Refuge (Refuge) and Battle of Midway National Memorial (Memorial). Funding, conservation, staffing, and safety challenges have caused the Service to suspend visitor services at the Refuge, which also affects the public's ability to experience the Memorial. The Service is working to restore those visitor services, despite the challenges we face. We look forward to discussing them with you today.

NATIONAL WILDLIFE REFUGE SYSTEM

The National Wildlife Refuge System (Refuge System) is the world's premiere network of public lands devoted solely to the conservation of wildlife and habitat. The Refuge System encompasses over 150 million acres of land and water and preserves a diverse array of land, wetland, and ocean ecosystems. The Refuge System offers about 47 million visitors per year the opportunity to fish, hunt, observe and photograph wildlife, as well as learn about nature through environmental education and interpretation. These visitors make refuges an important economic driver for local communities, generating nearly \$2.4 billion each year. Investing in the Refuge System is a sound use of taxpayer dollars as each dollar appropriated for the Refuge System returns nearly \$5 in economic benefits. Refuges also provide local communities with other valuable ecosystem services, such as improved water quality, increased property values, and access to quality wildlife-dependent recreation.

In the Pacific Region, there are 67 national wildlife refuges and 5 national monuments located in Hawaii, Guam, American Samoa, the Northern Mariana Islands, Idaho, Oregon, and Washington. These refuges encompass wetlands, estuaries, grasslands, nesting seabird colonies, forests, remote atolls with extensive coral reef ecosystems, high mountain deserts and all of the variations in between. In the 2013 Banking on Nature Report, a report on the economic benefits of national wildlife refuge visitation to local communities, the Service estimates that nearly 8 million people visited refuges in the Pacific Region, generating over \$320 million for and supporting almost 5,000 jobs in local communities.

However the Refuge System, with all its benefits, is facing ever increasing pressures and difficulties. Populations are growing rapidly, the amount of undeveloped land is declining, the economic environment is challenging, and we are faced with conservation crises on several fronts. As a result of the Budget Control Act of 2011, the Refuge System saw flat and declining budgets for 3 consecutive years, and we have had to make tough decisions and set priorities within the funding available.

In the Pacific Region, this has led to the reduction of capacity and staff positions. The Service is prioritizing capacity and staff where we can provide the most benefit for wildlife and the most opportunity for public use. Across the Refuge System in the Pacific Region, the Service is working to balance its mission, as directed by Congress, to protect America's natural resources, while also providing opportunities for public use, when compatible with the purpose for which the Refuge was established.

MIDWAY ATOLL NATIONAL WILDLIFE REFUGE AND BATTLE OF MIDWAY NATIONAL
MEMORIAL

Of the refuges and within the monuments in the Pacific Region, Midway Atoll National Wildlife Refuge (Refuge) and Battle of Midway National Memorial is one of the most unique. It provides vitally important habitat for a host of species and it represents a singular confluence of natural, historical, and cultural significance in the Pacific Ocean Basin. In addition to Midway Atoll's designation as a Refuge and a National Memorial, it is a part of the Papahānaumokuākea Marine National Monument, an UNESCO World Heritage Site. Midway Atoll's unique natural resources include support to at least 21 species of seabirds totaling more than 3.5 million individuals. It is the site of the largest annual congregation of nesting albatrosses in the world, with more than 1 million individuals of three different species depending on the atoll each year. An estimated 70 percent of the world's population of Laysan albatross nests on Midway Atoll annually—more than anywhere else on earth. In addition to the birds, the nearly 1,500 acres of terrestrial habitat host 24 important native plant species, and the federally endangered Laysan duck

and short-tailed albatross. The 580,000 acres of marine habitat provide homes to a resident population of spinner dolphins, the federally endangered Hawaiian monk seal, and more than 250 species of reef fish and invertebrates, with some of the highest level of reef fish endemism rates recorded in the world.

Henderson Field on Midway Atoll is also a Federal Aviation Administration designated Extended Twin-Engine Operations Site providing an emergency landing site cooperatively operated by the Service and Federal Aviation Administration (FAA) for nearly 35,000 jet aircraft transiting the Pacific Ocean.

The lands and waters of the Refuge were designated the Battle of Midway National Memorial on September 13, 2000—the first national memorial to be designated on a National Wildlife Refuge. The Service takes our role as trustee for this historic atoll seriously, honoring the sacrifice and courage of our veterans and conserving America's natural heritage.

In 1942, during World War II, the Japanese forces sought to expand their zone of defense in the Pacific. Their plan was to establish a diversionary attack of the Aleutians in Alaska, thereby forcing U.S. carriers to race to their rescue. The Japanese carriers could intercept and destroy them at sea, moving on to the primary goal of securing Midway Atoll and using it as a strategic point to take on and defeat the United States. However, the Americans were able to break Japanese naval code and anticipated the attack. Between the 4th and 6th of June, 1942, U.S. forces successfully defended Midway Atoll—sinking four Japanese aircraft carriers, effectively eliminating the Imperial Navy, and changing the course of the War in the Pacific.

Midway Atoll became an “overlay” national wildlife refuge in 1988, while still under the primary jurisdiction of the U.S. Navy. With the closure of Naval Air Facility Midway Island in 1993, there began a transition in mission at Midway from national defense to wildlife conservation. Administration of Midway Atoll was transferred from the Navy to the Department of the Interior on October 31, 1996.

Midway Atoll is best known for its pivotal role in World War II, but its historic significance dates back well over a century. In 1903, the Commercial Pacific Cable Company constructed five concrete and steel structures that housed a community of over 30 people on this remote island in the Pacific. The first around-the-world telegram, which was issued by President Theodore Roosevelt on July 4, 1903, went through the Cable Station at Midway Atoll. Midway Atoll was also a landing site for Pan Am Clippers traveling across the Pacific Ocean in the late 1930s and today it functions as an emergency landing facility for twin-engine jet airplanes traveling across the Pacific. As recently as July 2014, a United Airlines Boeing 777 made an emergency landing at Midway Atoll with 352 passengers onboard.

The lives of wildlife and human residents are inexorably intertwined on Midway Atoll. It is, in many respects, a little city, with all the structures, utilities, and types of equipment that are needed to function in support of the resident human community to perform the Refuge's mission. At one time, the facilities at Midway supported more than 5,000 people. While the current resident population is approximately 40, a significant amount of the infrastructure existing upon the transfer from the Navy to the Service remains in place. The Service works to balance stewardship of the natural resources of the Refuge, commemoration of the historic significance of the Memorial, and cooperative partnerships for the preservation of both to achieve the purposes for which the Refuge and Memorial were designated.

CHALLENGES AT MIDWAY ATOLL NATIONAL WILDLIFE REFUGE AND BATTLE OF MIDWAY NATIONAL MEMORIAL

Since 2005, the budget at the Midway Atoll National Wildlife Refuge and Battle of Midway National Memorial has been reduced by almost \$1.5 million. Last fiscal year, the operating budget for the refuge was \$3,692,155, which includes salaries for five full-time Service employees, four of whom reside on Midway Atoll. The budget reduction resulted in the loss of several Service positions, including the permanent Wildlife Biologist, Park Ranger, and Law Enforcement Officer. The loss of these positions has affected the Service's ability to provide the visitor services program at the Refuge and this program was temporarily suspended in November 2013. In the 5 years prior to suspending the program, Midway Atoll National Wildlife Refuge welcomed on average, a little over 300 visitors annually. Despite the budget reductions, the Service has invested in the facilities on the Refuge, such as maintenance and minor repair of 109 individual facilities. The Service intends to restore the suspended visitor services program once funding allows the operation of a safe and sustainable program that is appropriate and compatible, pursuant to Service policy and the Refuge Improvement Act in accordance with the purposes for which the Refuge and Memorial were established.

Management is challenging on a Refuge where the scarce land is subject to wind, water, and changing sea levels. More than 1,000 miles from the nearest population center in the main Hawaiian Islands, operation of this remote Refuge requires overcoming unique challenges. For example, although the Service purchases local goods and services found in the main Hawaiian Islands, a good portion of food and project supplies inevitably must be transported from the continental United States to Hawaii and then to the Refuge. Due to the remoteness of the station, all items needed on the Refuge must be shipped long distance by air or by boat. The transportation cost is in addition to the cost of normal goods and projects, making them ultimately much more expensive than those on continental United States. Many projects, especially building restoration, require site visits by a potential vendor, engineering firm, or a contracting officer. A single barge transporting large quantities of materials or equipment to Midway Atoll can cost approximately \$760,000 per trip.

Due to its remote location, the costly travel required to reach the Refuge, and the limited lodging facilities available, running a visitor services program is capacity intensive. Refuge and supporting staff stationed on the atoll are minimal for operations. To ensure the safety of visitors and a quality visitation experience, the Service would need to increase existing capacity. The Service intends to reopen visitor services at Midway Atoll when budgets allow for an increase in existing capacity.

The Service has worked to maintain many of the existing historic buildings on the Refuge. For example, nine officers' houses that were built in 1941 were rehabilitated and restored. Unfortunately, some of the buildings that the Service inherited have deteriorated, which can present hazards for both wildlife and people. Midway Atoll's harsh conditions (salt air, high winds, and unconsolidated substrate, etc.) cause buildings to deteriorate much faster than many comparative structures in the continental United States. In addition, many buildings were constructed and finished with lead-based paint and coral sand, and brackish water leading to corroding of the porous concrete that has not withstood the test of time.

Failing buildings and ingestion of the flaking lead paint from these buildings can harm wildlife and people. Lead poisoning has caused the mortality of approximately 10,000 albatross chicks annually, creating a conservation crisis. Beginning in 2011 and each year since, the Service has received funding from the Department of the Interior to remove lead contamination from soils where it was being ingested by albatross chicks and to take long-term action to remove the lead-based paint hazards on the Refuge from the highest priority areas. Those were identified as the Cable Station compound and the Industrial Complex. Among the four remaining Cable Station buildings that were shedding lead paint into the surrounding soil, three were removed because they were too old, deteriorated, and dangerous to stabilize and maintain. At the remaining Cable Station building, the Mess Hall, the Service installed a new roof, cleaned and encapsulated lead paint, and stabilized the structure. The Service has preserved the Cable Station Mess Hall as an example of unique architecture and early history of Midway Atoll but it too has deteriorated at a rate and to a state that is not sustainable for restoration in the long term. All the Cable Station work was done in compliance with the National Historic Preservation Act and in consultation with the Hawaii State Historic Preservation Division and the Historic Hawaii Foundation. Both the Hawaiian State Historic and Preservation Division and Historic Hawaiian Foundation have been consulted on the preservation of historic resources.

Current Refuge Manager Dan Clark is a Captain in the U.S. Coast Guard Reserve and has served in the active duty and reserve armed forces for over 33 years. The Service formally recognizes the Battle of Midway every year ceremoniously and honors the sacrifice of those who gave all for our freedom. Mr. Clark has reached out to the International Midway Memorial Foundation (IMMF) since assuming his duties as refuge manager in December 2013 and he and his staff have partnered with other veterans' organizations and agencies such as the American Battle Memorial Commission (ABMC) to perpetuate the historical significance of the Refuge and Memorial. Currently, the Service, working with the ABMC, is installing a new monument in honor of the Battle of Midway and the role of submariners in WWII. The Service will continue to work with the IMMF and other partners to honor the men and women who served during the Battle of Midway and at Midway Atoll. The Service looks forward to once again hosting the public on-site once the visitor services program can be restored.

CONCLUSION

The Service takes our role as trustee for this historic atoll very seriously. We will continue to work diligently to balance the natural resource stewardship needs of the

Refuge while honoring our responsibility as custodians of the Battle of Midway National Memorial. Mr. Chairman, we appreciate your interest in this issue. We look forward to working with the subcommittee.

Thank you for the opportunity to testify before you today.

Mr. FLEMING. OK. Thank you, Mr. Foerster.
Mr. Jordan, you are now recognized for 5 minutes.

**STATEMENT OF CHRIS JORDAN, CHRIS JORDAN
PHOTOGRAPHIC ARTS**

Mr. JORDAN. Thank you, Chairman Fleming, Ranking Member Bordallo, and esteemed committee members.

My name is Chris Jordan. I am a photographic artist from Seattle, and I have had the privilege of visiting Midway eight times over the last few years, where I am working on a film and a photographic series that is about the albatross that live out there.

And I am proud to tell you that my short film trailer, that I hope you will get to see, has been viewed by more than 15 million people in 154 countries all over the world.

I first went to Midway to photograph the tragedy of the birds whose bodies are filled up with plastic. And there is nowhere else on the globe where the troubling problem of ocean plastic pollution and marine debris is so viscerally evident than it is on Midway Island.

But I discovered early on that the plastic problem is just one small piece of Midway's remarkable story. In addition to its rich human history, this is one of the very few wildlife habitats on Earth where there has never been a natural predator.

Consequently, the birds on Midway have no fear of humans. The albatrosses, petrels, fairy terns, and other birds don't fly away when you walk up near them like they do everywhere else on our planet. Albatrosses are big and magnificent as eagles.

Imagine walking out into a field of 400,000 of them and sitting down amongst them and having crowds of them come up to say hello and nibble on your sleeves. It is like being in a magical fair-land from a childhood dream, and it is transformational to everybody who gets to visit Midway.

Midway is truly unique, and I am super stoked that it is held in American hands. We can honor it in our own way as one of the richest and most amazing wildlife habitats on Earth, to be held and protected with our deepest love and reverence.

It feels important to recognize that this island was the home of these creatures long before it was named Midway, before words even existed, before the first humans walked the Earth. For 4 million years, the magnificent albatrosses have been dancing their dances and hatching their babies on this remote patch of sand in the heart of the world's greatest ocean.

During my project, I have become closely acquainted with the U.S. Fish and Wildlife Service biologists who run the island, and they have shared with me many of the issues and challenges that they face as Midway's stewards. I found them to be smart and capable people who taught me so much about the islands, its human history, including the Battle of Midway, and its history as a military base turned refuge.

But, foremost, they taught me about the delicate ecosystem and the special skills and care that are needed to ensure the safety of the fragile home of more than 3 million birds. I saw how they manage with an eye toward preserving and expanding the habitat of the albatrosses, petrels, frigatebirds, fairy terns, the endangered turtles, monk seals, manta rays, and countless other creatures.

A major part of their work is aimed at minimizing the human footprint by controlling invasive plants that entangle or suffocate birds and removing nonnative trees that snag and hang albatrosses as they try to fly.

I have watched them tackle challenging projects to remove the dangerous and rickety old buildings that leech lead into the soils and emit asbestos dust into the air while, at the same time, working to preserve the buildings that have historical and architectural value.

I have witnessed the Fish and Wildlife Service slowly shape Midway into a one-of-a-kind living monument. New grass grows up through the old, unused runways, and where there were once roads and concrete foundations and crumbling fuel tanks, now there are baby albatrosses in their nests on the newly restored sand.

What more beautiful and effective monument could there be to the successful outcome of a world war than a perpetual sanctuary of life in the very location where one of its greatest battles took place?

I believe Midway is best served by having Fish and Wildlife continue managing the island with adequate funding to bring back a limited visitor program. I believe people should be able to visit Midway, but only under strictly controlled conditions that are not decided in the context of a for-profit business.

Midway is not a place for jet skis and sunbathers and sports fishing boats. It is one of the most special places on our planet. It is one spot on the globe where the first priority should be the protection and the safety of the wild creatures that make this remote island their home.

I think Fish and Wildlife Service is doing a terrific job as Midway's steward. I hope they receive the funding and the support to keep right on doing what they are doing.

Thank you.

[The prepared statement of Mr. Jordan follows:]

PREPARED STATEMENT OF CHRIS JORDAN, PHOTOGRAPHIC ARTIST

Dear members of the Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs, my name is Chris Jordan, and I am a photographic artist from Seattle. I have presented my work at schools, universities, conferences and gatherings around the globe, and my images are published and exhibited worldwide.

I have had the privilege of visiting Midway Atoll National Wildlife Refuge eight times over the last few years, as I worked on an intensive photographing and filming project about the albatrosses that live on the island.

My film is not yet finished, but my 4-minute trailer has reached more than 15 million people in 154 countries around the world. My photographs of albatrosses filled with plastic have reached a global audience of hundreds of millions of viewers.

I first went to Midway to photograph the tragedy of the birds filled with plastic. Nowhere else is the global crisis of ocean plastic pollution more powerfully evident than on Midway. Unfortunately there is nothing that can be done on a local level to solve this tragedy. The parent albatrosses range over the entire Pacific in search of food for their babies, and it is impossible to clean up such a giant body of water. And even if it could be cleaned up, plastic continues to pour in from our polluted

ivers, and it is also dumped overboard from boats of all kinds. In this way, the dead birds on Midway serve as a powerful symbol, like the Earth's alarm system going off, an urgent call for humans to change our consumptive behavior.

But I discovered early on that the plastic issue is just one small piece of Midway's remarkable story. This is one of the very few wildlife habitats on the planet where there has never been a natural predator. Consequently, the birds on Midway have no fear of humans. The albatrosses, petrels, fairy terns, and other birds, do not fly away from us like they do everywhere else. Albatrosses are as big and magnificent as eagles; imagine walking out into a field of 400,000 of them, and sitting down amongst them, and having crowds of them come up to say hello and nibble on your sleeves. It is like being in a magical fairyland from a childhood dream. This experience is transformational to everyone who visits Midway.

The only other places in the world where this happens is Antarctica, and the Galapagos Islands. The penguins in Antarctica are protected by the icy remoteness of the place, and the Galapagos have been ruined by tourism. My friends who have been there lately say that you get herded down walkways in groups, where you get to look at the animals briefly before being herded to the next point. Midway is truly unique, and I am super stoked that it is held in American hands. We can honor it in our own way, as one of the richest and most amazing wildlife habitats on Earth, to be held and protected with our deepest love and reverence.

It feels important to recognize that this island was the home of these creatures long before it was named Midway, before words even existed, before the first humans walked the Earth. For 4 million years the magnificent albatrosses have been dancing their dances and hatching their babies on this remote patch of sand in the heart of the world's greatest ocean.

During my project I have become closely acquainted with the U.S. Fish & Wildlife Service biologists who run the island, and they have shared with me many of the issues and challenges they face as Midway's stewards.

They are smart and capable people who taught me so much about the islands, it's human history—including the Battle of Midway, and it's history as a military base turned refuge. But foremost they taught me about the delicate ecosystem and the special care needed to ensure the safety of the fragile home of more than 3 million birds. I saw how they manage everything with an eye toward preserving and expanding the habitat of the albatrosses, petrels, frigate birds, fairy terns, the endangered turtles, monk seals, manta rays, and countless other creatures. Their work is aimed at preserving life and its diversity, minimizing the human footprint by controlling invasive plants that entangle or suffocate nesting birds; and removing invasive trees that snag and hang albatrosses as they try to fly. I have seen FWS tackle challenging projects to remove the dangerous and rickety old military buildings that leach lead into the soils and emit asbestos dust into the air.

I have watched FWS slowly shape Midway into a one-of-a-kind living monument. New grass grows up through the old unused runways, and where there were once roads and concrete foundations and crumbling fuel tanks, now there are baby albatrosses in their nests on the newly restored sand. What more beautiful and effective monument could there be to the outcome of a world war, than a perpetual sanctuary of life in the very location where one of its greatest battles took place?

I believe Midway is best served by having FWS continue managing the island, with adequate funding for a limited visitor program. I believe people should be able to visit Midway, but only under strictly controlled conditions that are not decided in the context of a for-profit business.

Midway is not a place for jet skis and sunbathers and sports fishing boats. It is one of the most special places on our planet. It is one spot on the globe where the first priority should be the protection and safety of the wild creatures that make this remote island their home.

Thank you.

Mr. FLEMING. Thank you, Mr. Jordan.

Mr. Daak, you have spent 12 years living on Midway as a Navy contractor, an employee of the Midway Phoenix Corporation who operated the visitors program from 1996 until 2002. You are now recognized for 5 minutes.

STATEMENT OF MIKE DAAK, HILO, HAWAII

Mr. DAAK. Good morning, Chairman Fleming and members of the House Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs.

I am Mike Daak. I lived on Midway for about 12 years, first as a Navy contractor and then as an employee of Midway Phoenix Corporation, serving as the communications department manager.

I am here representing myself as a concerned witness and for many veterans who battled for Midway and protected our land, some stationed there, some born there, and many who live there.

In 1996, the Fish and Wildlife Service entered into a cooperative agreement with Midway Phoenix Corporation. The Wildlife Service agreed to manage wildlife issues, while Midway Phoenix agreed to maintain buildings, structures, facilities, vehicles on the island, as well as the entire airport at no cost to the American taxpayer.

In turn, Midway Phoenix would earn the opportunity to profit from a visitor program and from the sale of fuel to ships and planes.

On paper, the cooperative agreement was followed. In practice, the spirit of the cooperative agreement failed miserably. With the passage of time, the Wildlife Service made increasing restrictions for visitors and residents. Added restrictions are listed in my written testimony.

The cooperative agreement ended on May 1, 2002. The agreement did not fail financially. It failed due to a lack of cooperation from the Wildlife Service, who was seemingly not interested in hosting visitors. It failed due to not having an appointed moderator to resolve disagreements between Fish and Wildlife and Midway Phoenix.

The visitor program was operated by the Wildlife Service since 2002. They have charged as high as \$7,000 per seat on their chartered plane. Since Midway Phoenix departed from the island, the visitor program has remained closed for 8 of 12 years.

After the Wildlife Service spent more than \$200,000 for a feasibility study to determine if a visitor program would work at Midway, they ignored the results and did not appoint an alternate cooperator, as they said they were going to do.

If you fly your plane to Midway, you will be denied permission to land, even if you are in a military plane on a military mission. If you sail your sailboat to Midway, you will be declined permission to enter the harbor.

Regarding island stewardship and historic significance, for anyone who has viewed recent pictures of the island, the photos speak for themselves. Six historic buildings were demolished so far without required input from the general public.

The Wildlife Service stated they have \$160 million maintenance backlog. We believe this money is for additional demolition. The Wildlife Service stated they will only be maintaining buildings that they can use, regardless of their historic significance.

The Wildlife Service demolition plan includes the fuel farm, which was the main profit center and crucial for an affordable visitor program. The Wildlife Service deselected nine major buildings from their maintenance program. They are listed in my written tes-

timony. Buildings are being demolished that could be used to support an affordable visitor program.

Over the past 12 years, the Wildlife Service has spent millions upon millions to maintain the island. This money was spent for services they were getting for free from Midway Phoenix. Buildings that were once used to support a visitor program are now abandoned. Some have referred to this as demolition by neglect. Buildings are first abandoned, later deemed as unsafe, then become eligible for demolition.

The Wildlife Service claimed they had no need for an airport at their refuge. This required the FAA to station five full-time employees to keep the airport open. Meanwhile, the Wildlife Service remains the primary user of the airfield.

My recommendations: Midway does not need more millions of taxpayer dollars for more of the same. Midway needs limited enterprise to enable the island to be self-sustaining. The refuge manager stated he had a list of cooperators as long as his arm who were ready to take the place of Midway Phoenix. Where are they?

A new cooperative agreement should be appointed to operate an affordable visitor program. A new agreement would work if it were moderated by any of the following entities: the U.S. Coast Guard, the National Park Service, the U.S. Navy, the FAA, the International Midway Memorial Foundation.

Last, I recommend Midway be reverted to an overlay refuge, as it was when the Navy was there. I recommend the Fish and Wildlife Service manage wildlife and nothing else.

Mr. FLEMING. Is that the conclusion?

Mr. DAAK. Yes.

[The prepared statement of Mr. Daak follows:]

PREPARED STATEMENT OF MIKE DAAK, 12-YEAR RESIDENT OF MIDWAY ISLAND

My name is Mike Daak. I am here representing myself, as a concerned witness, and for veterans who battled for Midway and protected our land—some stationed there, some born there and many who lived there.

I lived on Midway for about 12 years, first as a Navy Contractor, for about 6 years, then for another 6 years as an employee of Midway Phoenix Corporation. As an employee of Midway Phoenix, I held the title of Communications Department Manager. I maintain a Web site dedicated to Midway Island, at <http://www.midway-island.com/>. I also produced the video, "Midway Island—A Battle Lost to the U.S. Fish and Wildlife Service". This 22-minute video can be viewed on-line at: <http://vimeo.com/80519456>.

BACKGROUND

6/4/1999, Naval Administrative Message—<http://www.history.navy.mil/commemorations/midway/midway-1b.htm>

Navy Admiral Jay L. Johnson—"After considerable deliberation, it is apparent that the two most significant dates in our Naval history are 13 October 1775, the birth of our Navy, and 4 June 1942, the Battle of Midway. . . . These two prominent days will henceforth be celebrated annually as the centerpieces of our heritage."

In 1996, administration of the atoll was transferred from the Navy to the Fish and Wildlife Service (FWS) through an Executive Order, which also established the Midway Atoll National Wildlife Refuge. The Executive Order stated that FWS "*shall recognize and maintain the historic significance of the Midway Islands consistent with the policy stated in Executive Order 11593 of 1971.*" Since 1996, it has become apparent that the FWS has mostly fixated on wildlife only issues.

In 2006, President George W. Bush designated Midway as a Northwestern Hawaiian Islands Marine National Monument. In 2009 it was later renamed as the Papahānaumokuākea Marine National Monument. Midway is also a Battle of

Midway National Memorial. Recently, the island was inscribed as part of a larger UNESCO World Heritage Site.

Midway has been called the 'door', 'the window' and the 'hub' of the Monument. However, the door is being kept closed by the FWS to all visitors—to all taxpayers who financially support the island. Over the course of a year, approximately 150 people had visited the island, when their Visitor Program was open generally in groups of 10 or 15 at a time. FWS has charged as much as \$7,000 per seat for the trip to Midway. Often, visitors were expected to pull weeds or do other work duties while on-island.

FWS PURPOSE ON MIDWAY—IN THEIR OWN WORDS

"The purposes of the refuge are to maintain and restore natural biological diversity within the refuge; provide for the conservation and management of fish and wildlife and their habitats within the refuge; fulfill the international treaty obligations of the United States with respect to fish and wildlife; provide opportunities for scientific research, environmental education and compatible wildlife dependent recreational activities; and, in a manner compatible with refuge purposes, recognize and maintain Midway's historic significance. . . . It also serves as the 'window to the Monument,' the only site open to public visitation."

COOPERATIVE AGREEMENT

The FWS was never expected to be capable of managing all the facilities of the entire island. Midway includes everything you'd find in a small city. There are more than 555 Wildlife Refuges across our Nation, but none include an airport, a hotel, a restaurant, a store, a bar, a water treatment plant, a fuel farm, a sport fishing operation, a diving operation, an airline service or a tourist program.

FWS had intended to farm out those type services to a third party—thus was born the Cooperative Agreement. In addition, a Refuge Manager once told me that it was illegal for FWS to earn a profit. The plan was for one Cooperator to run all non-wildlife functions of the island, in trade earning potential profits from all profit sources on Midway. Wildlife Refuges should only manage wildlife issues since that is what they are best at doing. Profit margins are alien to the FWS.

The Cooperative Agreement was a first of its kind, intended to outline the duties of FWS and their chosen Cooperative Contractor. The Agreement was intended to be a 'living document'; changes were expected to be made with the passage of time.

In 1996, FWS entered into a Cooperative Agreement with the Midway Phoenix Corporation (MPC) for the operation of a Visitor Program at Midway. On paper, the Cooperative Agreement was being followed. In practice, the spirit of the Cooperative Agreement began to fail miserably, especially toward the very end of its 6-year term.

After MPC signed the Cooperative Agreement, they invested approximately \$15 million of their own money toward improvements in preparation for hosting the new visitor program.

MPC PAID FOR THE FOLLOWING BUILDINGS/STRUCTURES/EQUIPMENT, WITHOUT TAXPAYER MONEY

- Converted military barracks to hotel room standards
- New Clipper House restaurant on the beach
- New Captain Brooks beach bar
- Stationed two on-island aircraft for visitor and resident transport
- Purchased a ship for logistical support of the island
- New Sewage Treatment Plant
- Chartered semi-weekly flights of an Aloha Airlines jet
- New Bottled Water facility
- New Hydroponics facility
- New Garden, to provide fresh produce for the island
- The island's first Cellular Phone System
- New Harbor Office building
- New Sport Fishing building
- New Sport Diving building
- Purchased two 35-foot Fishing Boats and two smaller Fishing Boats
- Purchased a 48' Diving Boat

The Cooperative Agreement authorized 100 visitors per week to the island. Midway has natural and historic resources that enable the island to be self-sustaining, via a properly managed Visitor Program. MPC operated the Visitor Program at near no cost to the American Taxpayer. The Visitor Program included Historical Tours, Wildlife Tours, Sport Diving and catch & release Sport Fishing Trips. The Cooperative Agreement was intended to allow FWS to focus on wildlife issues, while allowing MPC to focus on the Visitor Program so the island could pay its own way.

NEW RESTRICTIONS BY FWS

With the passage of time, FWS placed more and more restrictions on visitors and residents.

Additional Restrictions

- Requested MPC to stop mowing of grass in housing and populated areas.
- Added signs to further restrict the movement of people.
- Large sections of the island became off-limits with sightings of seals, turtles and birds.
- Terminated permission for use of kayaks from all shorelines, stating that the oars might hit a turtle.
- Terminated permission for use of small recreational sailboats, for all waters around the entire island.
- Terminated permission for use of wind surfing equipment.
- Tried to restrict MPC from using the word 'Island' on items sold in the gift store and insisted the word 'Atoll' be added in its place.
- Added new restrictions for residents, regarding the catching of fish, lobster and for scuba diving.

FWS elected to kill all Ironwood trees on Eastern and Sand Island via their 7-year Tree Removal Plan. ALL trees were killed on Eastern Island—the island was totally flattened. Dead trees were left standing, which snared and *killed many Albatrosses*. FWS paused with their tree-killing program on Sand Island, after hearing public complaints. The Ironwood trees were considered non-indigenous. As info, Ironwood trees are found on most inhabited Pacific islands, their seeds floating on top the ocean.

END OF COOPERATIVE AGREEMENT WITH MPC—MAY 1, 2002

The Cooperative Agreement did not fail financially. It failed due to a lack of cooperation from the FWS who seemingly was not interested in hosting visitors.

It failed due to not having an appointed moderator to resolve disagreements between FWS and MPC.

March 31, 2002, The New York Times, by John H. Cushman Jr.—<http://www.nytimes.com/2002/03/31/travel/travel-advisory-correspondent-s-report-tourism-venture-ends-midway-atoll-refuge.html>

“Barbara Maxfield, a spokeswoman for the Interior Department, said it had not been satisfied with the company’s performance in maintaining the refuge’s property, ensuring the safety of tourists, and protecting the frail resources of the atoll. By law, the wildlife agency’s main objective in managing its reserves is conservation.”

February 4, 2002, Honolulu Star Bulletin, by Mitch Stacy, Associated Press—<http://archives.starbulletin.com/2002/02/04/news/story5.html>

Bob Tracey, Midway Phoenix Corporation—“Midway Phoenix has lost at least \$15 million on the island, Tracey said. Strict Fish and Wildlife Service restrictions on where visitors can go and what they are allowed to do have made it difficult to operate as advertised, he said. “With this level of extremism with Fish and Wildlife, it’s difficult to make a profit out there under that regime,” Tracey said. “We’re exhausted fighting the war. The situation is especially hard to take, he said, because under the government contract, Midway Phoenix pays the salaries of Fish and Wildlife officers who maintain the refuge and also flies them and their families back and forth to Honolulu.”

VISITOR PROGRAM—AFTER MPC DEPARTED THE ISLAND IN 2002

The FWS has stated that the only reason the visitor program is not open is due to a lack of funding. Again I will mention the 2005 Feasibility Study that concluded in recommending an alternate Cooperator be appointed.

February 2, 2002, Honolulu Advertiser Newspaper Article, by Jan TenBruggencate—<http://the.honoluluadvertiser.com/article/2002/Feb/02/ln/ln05a.html>

Midway Refuge Manager (1997–2000) Rob Shallenberger—“The agency will find another operator or multiple operators to run facilities if Midway Phoenix leaves . . .”

April 30, 2002, Honolulu Advertiser Newspaper Article, by Jan TenBruggencate—<http://the.honoluluadvertiser.com/article/2002/Apr/30/ln/ln33a.html>

Assistant Secretary of Interior, Craig Manson—“Although we are not in a position at this time to reopen our doors to visitors, we hope to be able to do so in the future,” said Craig Manson, Assistant Secretary of the Department of Interior for Fish and Wildlife and Parks.

May 6, 2002, Honolulu Star Bulletin, By Gregg K. Kakesako—<http://the.honoluluadvertiser.com/article/2002/May/24/ln/ln13a.html>

Assistant Secretary of Interior, Craig Manson—“The Department of the Interior is fully committed to restoring public access to Midway.”

May 26, 2003, The Washington Times, by Audrey Hudson—<http://www.washingtontimes.com/news/2002/may/26/20020526-025453-2237r/>

Rep. John J. Duncan Jr., Tennessee Republican—“Having a wildlife refuge or a national memorial that only bureaucrats can visit does not make a whole lot of sense,” Mr. Duncan said. “I think the veterans who fought in the Battle of Midway deserve to be treated better by the Fish and Wildlife Service,” Mr. Duncan said.

February 7, 2006, Posting on FWS Web Site Visitor Services Planning Underway

“Refuge staff, with assistance from two Honolulu-based FWS staff, set aside a week in early January to embark on Midway Atoll NWR’s long-awaited Visitor Services Plan, the next step toward enhancing the visitor program on the atoll.”

VISITOR PROGRAM FEASIBILITY STUDY—2005

In 2005 the FWS spent more than \$200,000 for a Feasibility Study, to determine if a Visitor Program were feasible at Midway. The study provided proof and offered examples of how a Visitor Program would work via an alternate Cooperative Agreement with a new Cooperative Contractor. The FWS elected to ignore the recommendations of that report and did not select an alternate Cooperator to run a Visitor Program, as stated in 2002.

FWS Visitor Program Closed—In Their Own Words

“Midway’s remote location and the high cost of fuel and chartering aircraft make it an expensive place to visit. The Fish and Wildlife Service has investigated several administrative and logistical management options related to administering reservations, cancellations and collection of money, including on-site management of independent travel groups. It has been determined that it would not be possible to advertise, manage reservations and cancellations and respond to travel requests, in addition to developing and investigating a legal mechanism for collection of money, without an additional full-time staff person dedicated to visitor services management. The current budget climate does not allow for this additional staff.”

I have been witness to FWS methods for the past 26 years. I’ve witnessed their actions don’t always match their words. As an example, they’re planning to install an electrical power generator that is much smaller in size than the one they’re now using. “If” they were actually planning to once again host an Affordable Visitor Program, they’d be gearing upward, not downsizing.

All private, commercial and otherwise, aircraft are banned from landing on Midway, unless it’s an emergency; this includes all military aircraft. Only emergency landings are allowable. Ocean access to Midway is completely unavailable, including access in an emergency. Midway airport is completely closed! Per AirNav.com—“**APT CLOSED TO ALL TRANSIENT ACFT. APT OPEN FOR ETOPS AND APPROVED ACFT OPNS ONLY**”

I witnessed an aircraft on a military mission, being denied permission to land at Midway; FWS stated it would interfere with their Halloween Party. Recently, a sailboat was denied permission to enter the safe harbor at Midway, even though declaring an emergency; their water-making system was no longer working. The FWS

decided it was best to take fresh water out to the sailboat, to keep the boat away from the island.

FWS continues to try and lead the public into believing they want a visitor program. They have claimed their Visitor Program was open on a weekly basis from 2008 until 2012: this claim is not entirely true, confirmed by media articles of that time period. FWS would claim they were open for public visitation but were charging as much as \$7,000 per seat for airfare and requiring the visitors to work or pull weeds while on the island. One year, the FWS claimed they were open for visitors when in fact they had only hosted a few hundred visitors from a cruise ship for a few hours.

From May 1, 2002 till 2008, the Visitor Program was mostly closed—6 years. Since MPC departed from the island the Visitor Program has been closed for about 8 of the 12 years.

ISLAND STEWARDSHIP

Anyone who has viewed recent pictures of the island, the photos speak for themselves. The Report Card for FWS stewardship is there for all to see. <http://vimeo.com/80519456>

Since 2002 when MPC made their exit from the island, the FWS has been responsible for stewardship and contracted with Chugach McKinley to maintain the island. The FWS stated in writing, they would only maintain buildings and structures they can “use,” regardless of their historic significance.

Prior to Midway being transferred from the Navy to the FWS, 111 buildings and structures were demolished. Per FWS, these buildings and structures were demolished for the purpose of “right-sizing” to the needs of FWS for the new mission as a Wildlife Refuge with a Visitor Program. Ninety-six buildings and structures were left standing for FWS to use and maintain in support of a Visitor Program.

The FWS continues to demolish buildings that could be used to support an Affordable Visitor Program. In their words, they are still “right-sizing.” FWS stated in writing, they have a \$160 million “Maintenance Backlog.” We firmly believe that the majority of the “Maintenance Backlog” money is for the demolition of buildings that have been marked as “Abandoned” over the past 12 years. Buildings that were once used to support an Affordable Visitor Program are now being abandoned. Some have referred to this as “*Demolition by Neglect*.” First the building is abandoned and then deemed as unsafe, making it eligible for demolition.

FWS CONTRACT WITH CHUGACH: NO MAINTENANCE PLAN FOR THE FOLLOWING BUILDINGS

The Main Galley: Abandoned—Scheduled for demolition.

Properly maintained and managed, the Main Galley would support a Visitor Program.

The Main Hangar: Abandoned—Scheduled for demolition.

Properly maintained and managed, the Main Hangar to serve as building/office space for support of an active Visitor Program.

The Historical SAR Hangar: Abandoned—Scheduled for demolition.

FWS stated that they have no plan to maintain the Historic Sea Plane Hangar and have referred to it as “an abandoned ruin.”

The Historic Station Theater: No Maintenance Plan.

The Station Theater has a hole in the roof. Rather than repair the hole, the FWS has elected to abandon the building. They also removed historical murals from the walls of the Station Theater and sent them to Ford Island for storage, an indicator of their inability or interest to maintain historical structures.

BOQB Living Quarters: Abandoned—Scheduled for demolition.

Properly maintained, this building would serve to house Midway visitors.

BEQB Living Quarters: Abandoned—Scheduled for demolition.

Properly maintained, this building would serve to house Midway employees, who serve to support an active Visitor Program.

BEQC Living Quarters: Abandoned—Scheduled for demolition.

Properly maintained, this building would serve to house Midway employees, who serve to support an active Visitor Program.

The All Hands Club: May soon close its doors for good.

The Main Fuel Farm: Abandoned—Scheduled for demolition in 2016.

Properly maintained and managed the Fuel Farm is a main source of revenue off-setting the operational costs of running the island. Two large tanks, each holding 2 million gallons, are scheduled for demolition. These large tanks are being replaced with smaller/portable tanks, with a total capacity of about 450,000 gallons.

FWS has verbally stated that they have no plans to demolish additional structures, such as the Fuel Farm. However, we hold a 122-page document clearly confirming the demolition schedule as being right on time. This includes the Fuel Farm scheduled for demolition in 2016. The Fuel Farm is key to a successful and Affordable Visitor Program. Fuel sales to transient aircraft and ships were the number one profit source, while MPC was on-island. Every dollar that is earned from Fuel Sales becomes one less dollar of burden for the American Taxpayer.

Abandoned Airfield

The FWS abandoned the airfield at Midway claiming they had no need for an airport at the wildlife refuge. This required the FAA to station five full-time employees to the island to manage the airport. At the same time the FWS is the primary entity currently using the airport for scheduled logistical flights. The airport is otherwise only open for Transpacific aircraft that declare an emergency.

Costs of the Airfield on Midway Island—<https://www.oig.dot.gov/sites/default/files/midway-Final.pdf>

“For the 15-month period of January 2004 through March 2005, there were 136 aircraft landings at Midway airfield, one of which was an emergency landing for a commercial airline. FWS is the primary user of the airport and regularly flies staff, volunteers, and supplies to support its refuge mission activities.”

March 16, 2002, Article in The Washington Times, by Audrey Hudson—<http://www.washingtontimes.com/news/2002/mar/16/20020316-041107-4551r/>

FWS Spokesperson, Mark Pfeifle—“We will implement a transition strategy to preserve the condition of the facilities and ensure the continued conservation of Midway’s fish, wildlife and historical resources,” said spokesman Mark Pfeifle. “The agency is looking for another private company to resume the operations on the island. The Fish and Wildlife Service will use its own funds until another corporate sponsor can be recruited.”

DEMOLITION BY FWS—HISTORIC BUILDINGS DEMOLISHED WITHOUT INPUT FROM THE GENERAL PUBLIC

- Four of the five Historic Cable Station buildings were demolished in 2013
- Two Historic Marine Barrack buildings were demolished in 2013
- SKI Warehouse was demolished in 2013
- Demolition Schedule—Removal Action Work Plan: Web Link, 130 Page PDF Document—http://www.fws.gov/uploadedFiles/Region_1/NWRS/Zone_1/Midway_Atoll/Documents/AR0062%20Midway%20RAWP%20FINAL.pdf

RESTORATION/RENOVATING PROJECTS BY FWS

Web Link—Photos of Remodeled Homes—<http://recovery.doi.gov/press/us-fish-and-wildlife-service/midway-atoll-percent20national-wildlife-refuge/>

To their credit, FWS managed to rally for a \$1.6 Million American Recovery and Reinvestment Act (ARRA) grant, for major remodeling of Officers’ Row of housing. Worth noting, these homes are occupied by residents of Midway. As FWS stated, they are only interested in maintaining buildings they can “use,” seemingly without regard to historical significance.

Cable Station Buildings—One of five Cable Station buildings was partially restored.

Web Link of Restored Cable Station Building—<http://www.midway-island.com/documentation/cable-station-one-restored-building/>

MIDWAY FUEL SPILL

In February of 2003, the FWS was responsible for the largest *fuel spill* in recorded history for the entire Hawaiian archipelago. It was reported, between 75,000 and 100,000 gallons of fuel were spilled at Midway costing millions to clean up. When

MPC was on-island, five full-time employees manned the Fuel Farm. After MPC departed from the island the Fuel Farm was manned by one part-time employee.

The former MPC Fuel Farm Manager stated that five valves would have to have been left pressurized long-term for the leak to occur where it did.

SPENDING/TAXPAYER COSTS

Over the past 12 years, the FWS has spent millions upon millions of dollars to maintain the island. This money was spent for services they were getting for FREE by the previous Cooperator, Midway Phoenix while operating an Affordable Visitor Program.

RECOMMENDATIONS

More than 12 years ago, the FWS Refuge Manager stated, at our weekly managers meeting, he had a list of alternate Cooperators who were standing by, ready and eager to take the place of MPC. Where are they, where is even one?

I recommend an immediate stop to the demolition of the fuel tanks and for maintenance and repairs to be immediately done before all hope of a visitor program is stripped away by the FWS through their maintenance neglect. The Fuel Farm is crucial piece of an Affordable Visitor Program.

I would also recommend that the FWS be required to maintain abandoned buildings, using a fair portion of their wildlife money toward repair and restoration of abandoned structures. I would recommend they be required to include an equal number of volunteers for historical buildings at Midway as they now have for their favorite wildlife projects. I would also recommend that the IMMF be empowered to monitor volunteer members, so that historic preservation can be accounted for. A watchdog needs to be appointed.

I would also recommend that the airport be reopened to the public. Fuel sales at Midway would reduce the operational cost of the island and offset the cost for an Affordable Visitor Program.

In order for a new Cooperative Agreement to work, it would need to be moderated by any of the following entities: the U.S. Coast Guard, the National Park Service, the U.S. Navy, the FAA, and the International Midway Memorial Foundation. FWS and the new Cooperator could present their disagreements to a panel of third party Mediators, to resolve disputed issues.

I recommend that Midway be reverted to an Overlay Refuge, as it was when the Navy was still on-island, and the FWS only manage the wildlife, nothing else. It's been 26 years since FWS assumed responsibility for the island. If they have not yet figured it out by now, they never will.

Midway Island does not need a name change. The battle was fought as the Battle of Midway Island. Birth certificates do not say Midway Atoll, but Midway Island. Veterans, and all those who cherish Midway know this tiny dot of land as Midway Island, not Midway Atoll. We must honor those who fought and remember the island as "Midway Island."

Midway does not need millions upon millions of government handout money for more of the same. Midway needs limited enterprise to help this historical island be self-sufficient. Midway has natural and historic resources that enable the island to be self-sustaining, via a properly managed and Affordable Visitor Program.

It is clear to the majority that the FWS remains fixated on wildlife-only issues. Today, Midway is seemingly a sinking ship where the distress alarm has NOT been very loud or clear.

NOTES AND DOCUMENTATION

Media Quotes

April 12, 2009, 2nd Battle of Midway apparently lost—<http://www.redstate.com/diary/innocbystr/2009/04/12/2nd-battle-of-midway-apparently-lost/>

In 1999, in recognition of the atoll's historical significance, Congress directed the Secretary of the Interior to develop Midway as a National Memorial and establish a preservation program for its historic military buildings and gun emplacements. This was to include interpretative displays and promotion of tourist visits.

February 4, 2002, Honolulu Star Bulletin, by Mitch Stacy, Associated Press, U.S. Coast Guard Statement—<http://archives.starbulletin.com/2002/02/04/news/story5.html>

It is a situation that concerns the Coast Guard, which depends on the island as a refueling stop during law enforcement and rescue operations. "If I don't have

Midway, that area gets a little bit bigger,” said Capt. Steven Newell, the Coast Guard’s chief of the expansive North Pacific district.

June 4, 2012, Battle of Midway Memorial Handout Brochure—http://www.papahanaumokuakea.gov/pdf/midway_q_and_a_brochure.pdf

OTHER USEFUL WEB SITES

My Midway Island Web Site

<http://www.midway-island.com/>

Battle of Midway Ceremony—2012 Brochure

http://www.papahanaumokuakea.gov/pdf/midway_q_and_a_brochure.pdf

Midway Island Fee Schedule

http://www.fws.gov/uploadedFiles/Region_1/NWRS/Zone_1/Midway_Atoll/Documents/Midway%20Fee_Schedule%20Rev.%205-5-2014.pdf

Before/After Photos of Midway Island

<http://www.midway-island.com/bird-photos/before-and-after/>

Midway Island—A Battle Lost to USFWS

<http://vimeo.com/80519456>

Mr. FLEMING. OK. Thank you for that, Mr. Daak.

And next, Dr. James D’Angelo, Chairman of the International Midway Memorial Foundation.

**STATEMENT OF JAMES M. D’ANGELO, Ph.D., USAF RETIRED,
CHAIRMAN, INTERNATIONAL MIDWAY MEMORIAL
FOUNDATION**

Mr. D’ANGELO. Good morning, Chairman Fleming and Members—

Mr. FLEMING. Sir, you will need to pull the microphone close to your mouth.

Mr. D’ANGELO. Good morning, Chairman Fleming and members of the House Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs.

I am Dr. James D’Angelo, Chairman and Founder of the International Midway Memorial Foundation, which is dedicated to the memory of the Battle of Midway.

The Battle of Midway, which took place from June 3–7, 1942, was a battle of historic proportions and was not only the turning point of World War II in the Pacific, but affected the outcome of World War II in Europe.

In 1999, the designation of Midway as a national memorial was signed into law by President Bill Clinton. Midway deserves to be memorialized throughout time by mandating a permanent policy of public visitation to the atoll.

In the 1999 legislation, the Secretary of Interior was directed to regularly consult with the IMMF on the management of the National Memorial. To date, neither the Wildlife Service nor the Department of the Interior has carried out this directive.

In 1996, Midway Phoenix and Fish and Wildlife entered into a cooperative agreement to provide all logistic and administrative services on the atoll at little expense to the taxpayers.

Midway Phoenix left Midway in 2002 after a dispute by Fish and Wildlife’s demand that Midway Phoenix pay \$2 million for aviation fuel that was gifted to Midway Phoenix in 1996.

In 2003, after the departure of Midway Phoenix, Chugach, a private-sector company based in Alaska, took over the responsibility of maintaining Midway's infrastructure. The cost of operating Midway rose exponentially, all of which was borne by the taxpayers.

In 2003, the IMMF submitted its feasibility study on a public visitation program at Midway. In 2005, Fish and Wildlife spent \$200,000 for a study to determine the feasibility of reinitiating a public visitors program on Midway.

Both studies concluded that a public visitation program would be most viable if a private contractor was utilized to maintain the entire infrastructure on Midway, as well as to administer the public visitation program. Both were ignored by Interior and Fish and Wildlife.

Private-sector management of a public visitation program was successfully demonstrated in the last year of Midway Phoenix's tenure when it made a profit of \$26,138, despite the restrictions placed on it by the Fish and Wildlife Service.

The following are examples of failures that have occurred under Fish and Wildlife's watch:

In February 2003, nearly 100,000 gallons of fuel leaked from the fuel farm, which was being manned by only one part-time employee. Cleanup was estimated to have cost taxpayers millions of dollars.

The Fish and Wildlife Service demolished historic structures on Midway without any notification of such plans to the IMMF, as directed by law.

The Fish and Wildlife Service is also planning the total destruction of all the buildings and structures on Midway. And we have attachments that document that from their own brochure.

The atoll remains closed to public visitation for the foreseeable future, a condition facilitated, in part, by the elimination of profit-making aviation fuel sales to commercial and military aircraft; the planned destruction of two large fuel tanks in 2016, which will limit the potential for profit-making fuel sales; and by the deterioration and demolition of structures which would support public visitation.

The measures Fish and Wildlife have taken in the administration and operation of Midway since 2002 have only served the interest of Fish and Wildlife with little regard for public visitation or for Midway's historic value.

To rectify these problems, on behalf of the IMMF, I am recommending that a permanent advisory board of governors be created that would include Fish and Wildlife, the National Park Service, the U.S. Coast Guard, the Navy, FAA, the IMMF, and a private contractor operating Midway.

The president of the board would be rotated annually from each of its members, except for a private contractor, and an annual audit would be performed and reported to the Secretary of Interior.

This would allow for a viable management solution that meets the needs and addresses the concern of all who have an interest in the future of Midway Atoll.

I want to thank the committee for the opportunity to testify and express the hope that Midway Atoll National Memorial and public

visitation will receive the proper management and attention they all deserve.

Thank you.

[The prepared statement of Mr. D'Angelo follows:]

PREPARED STATEMENT OF JAMES M. D'ANGELO, M.D., USAF VETERAN, CHAIRMAN
AND FOUNDER OF THE INTERNATIONAL MIDWAY MEMORIAL FOUNDATION

The International Midway Memorial Foundation (IMMF) is a non-profit, tax-exempt corporation, established in the state of Maryland in 1992, and is dedicated to the memory of the Battle of Midway.

HISTORICAL PERSPECTIVE

The Battle of Midway, which took place from June 3–7, 1942, was a battle of historic proportions and the turning point of World War II in the Pacific. After the Battle of Midway, Japan was never able to go on the offensive again. Admiral Isoroku Yamamoto's decision to include the islands of Midway in his strategic plan against the United States was flawed and thus paved the way to a U.S. victory. Historians now believe that the victory at Midway had significant effects on the outcome of World War II in Europe:

- It allowed the United States to take its first offensive—that of invading North Africa—which ultimately resulted in the destruction of the German African Corps;
- Japan's defeat meant that Russia was able to transfer its troops from Manchuria to the east to bolster the defense of Stalingrad against German forces; and
- It guaranteed the timetable for the Allied invasion of Normandy.

For these reasons alone, Midway should have a functioning National Memorial and public visitation. But beyond its significance in the course of historical events, the Battle of Midway represents the courage, determination and sacrifice of the men who fought to retain Midway, and deserves to be memorialized throughout time by preserving Midway's history and by mandating a permanent policy of public visitation to the Atoll.

JURISDICTION (U.S. NAVY AND THE USFWS)

In 1996, jurisdiction over the Midway Atoll was transferred by the U.S. Navy to the U.S. Fish and Wildlife Service (USFWS). The IMMF encouraged Congress to designate the Midway Atoll as a National Memorial and its efforts were rewarded in November 2000 when President Clinton signed legislation that designated the Midway Atoll as a National Memorial. In that legislation the Secretary of Interior was directed to regularly consult with the IMMF on the management of the National Memorial. To date, neither the USFWS nor the Department of Interior has regularly consulted with the IMMF on the management of the National Memorial.

USFWS AND MIDWAY PHOENIX CORPORATION

In 1996, Midway Phoenix Corporation (MPC) and the USFWS entered into a cooperative agreement for MPC to provide all logistic and administrative services on the Atoll at no expense to taxpayers. Only USFWS' room, board and mission activities were paid by the taxpayer.

From 1996–2002, MPC faithfully carried out this agreement in spite of Draconian restrictions placed on its activities by USFWS. Examples of such measures were the closing of Eastern Island to the public (the site where the original airstrip is located), transferring endangered Hawaiian Monk seals to the shores of Midway Atoll which resulted in the closing of all heretofore public beaches, limiting cruise ships' access to Midway Atoll and limiting the sale of aviation fuel by MPC. The primary reason why MPC departed from Midway in 2002 was over the issue of aviation fuel. In 1996, when the U.S. Navy transitioned from Midway, it gave the remaining fuel in the tanks to the USFWS. In 1997, the remaining fuel was gifted to MPC because USFWS was not permitted to make a profit from the Wildlife Refuge. MPC then sold the fuel to transient aircraft at approximately \$5.00 a gallon. By 2002, MPC had invested \$15 million of its own money toward improving the infrastructure of

the Atoll. With 1 month's supply of fuel remaining, USFWS demanded that MPC pay \$2 million for the aviation fuel that had been gifted to MPC in 1997. This non-negotiable and inexplicable action by the USFWS prompted MPC to leave Midway.

USFWS FINANCIAL MANAGEMENT OF MIDWAY ATOLL

As previously stated, during the tenure of MPC's administration of Midway Atoll, all logistic and administrative operations were carried out on Midway at no expense to taxpayers. In 2003, after the departure of MPC, Chugach, a private sector company based in Alaska, took over the responsibility of maintaining Midway's infrastructure. The cost of operating Midway rose exponentially, all of which was borne by the taxpayers.

The IMMF obtained information about the financial expenditures by USFWS from two sources, the Interior Department Electronic Acquisition System (see Attachment 1), and the Division of Congressional and Legislative Affairs (DCLA) (see Attachment 2). The following data was acquired from IDEAS. In 2003, USFWS paid Chugach \$24,439,634. In 2004, this amount increased to \$86,376,374. In 2005, USFWS paid \$75,995,693 to Chugach. According to IDEAS, the total paid to Chugach by USFWS for the 3-year period was \$186,811,701.

According to the report from DCLA, USFWS' Midway operating expenses from 2005–2013 varied from \$4,007,884 to \$4,781,505. For 2005, however, there is a striking discrepancy between the two sources of the expenditures by USFWS at Midway. As noted above, the IDEAS report indicates the expenses to Chugach were \$75,995,693, but the report from the DCLA states USFWS Midway costs were \$4,553,693. The difference of the two reported values requires further investigation (there was no data from DCLA for the 2003–2004 period). In conclusion, the minimal cost to taxpayers of MPC's administration of all operations on Midway rose to millions of dollars under USFWS/Chugach.

DECLINE AND CESSATION OF MIDWAY'S PUBLIC VISITATION POLICY (2002–2014)

In the aftermath of MPC's departure, public visitation to Midway between the years 2002–2013 was allowed on a part-time basis in only 4 years out of the 12-year period. In 2013, public visitation ceased.

On January 8, 2003, the IMMF submitted its feasibility study (Submitted for the Record) on a public visitation program. The study concluded that a public visitation program was most viable if a private contractor was utilized to maintain the entire infrastructure on Midway as well as to administer the public visitation program. The study was ignored by Interior and the USFWS.

In 2005, USFWS spent \$200,000 for a study to determinate the feasibility of re-initiating a public visitors program on Midway. This study also concluded that public visitation was most feasible if it were conducted by a private contractor, who would also be responsible for all administrative and operational aspects of the Midway Atoll, including public visitation.

The conclusion of USFWS' feasibility study was similar to that of IMMF's 2003 study, but neither proposal was acted upon by the Department of Interior and USFWS. Apparent disregard for the conclusions of these studies indicates a lack of interest and/or desire by USFWS for any public visitation on Midway. In addition, USFWS plans to destroy the two large fuel tanks on Midway in 2016, a logistically irreversible change (Document submitted for the Record). This would result in the destruction of what was historically the primary source of non-taxpayer income to the Atoll, and would—in reality—make any future public visitation to Midway impossible. Currently, USFWS is leasing smaller, above-ground portable fuel tanks. They do not have the capacity of the original tanks, and could be removed at any time. The existence of these tanks and their potential for easy removal strikes another blow to a potential visitation program.

In summary, the key to a successful public visitation program is to utilize a private sector contractor; this concept was supported by the IMMF's and the USFWS' feasibility studies, and MPC was able to demonstrate that this could be done successfully with no expense to taxpayers. USFWS has virtually ensured public visitation will never return to Midway by (1) eliminating the sale of aviation fuel to commercial and military aircraft; (2) by planning the destruction of the two large fuel tanks in 2016 which would severely limit the potential for profit-making fuel sales (the current fuel supply is solely for the use of USFWS' needs); (3) by allowing the deterioration of buildings; and (4) by carrying out—as well as planning for—the demolition of buildings and structures which would support public visitation. The measures USFWS have taken in the administration and operation of Midway since

2002 have only served the interests of the USFWS, with little regard for public visitation or for Midway's historic value.

MIDWAY'S AIRSTRIP ON SAND ISLAND

The airstrip on Sand Island is no longer used as a full-time alternate emergency landing site for trans-Pacific flight nor is aviation available for aircraft. As recent as July 2014, an United Airlines trans-Pacific passenger plane was forced to make an emergency landing on Midway due to electrical difficulties.

USFWS MISMANAGEMENT OF MIDWAY'S INFRASTRUCTURE

The following has occurred under USFWS' watch:

- Despite the fact that some of the remaining lead-painted buildings are being maintained, others are being allowed to deteriorate, resulting in environmental contamination with lead paint chips, exposing the birds on the atoll to potential lead toxicity.
- In February 2003, between 75,000 to 100,000 gallons of fuel leaked from the fuel farm which was being manned by only one part-time employee, rather than the five full-time employees employed by MPC. It was estimated by the MPC Fuel Farm manager that at least five valves had to have been pressurized in order for the leak to occur. The leakage was the largest in recent Hawaiian archipelago history. According to the *Honolulu Advertiser*, it was estimated to have cost millions of dollars for USFWS to clean up the fuel leak.
- The USFWS demolished the Marine Barracks and four of the five historic telegraph cable buildings without any notification of such plans to the IMMF as directed by Public Law 106-113: Section 126. The USFWS is also planning the total destruction of all the buildings and structures on Midway (Document submitted for the Record).
- The Atoll remains closed to public visitation for the foreseeable future.

CURRENT REPORTS

The preceding statements document USFWS' inability to manage all the functions of the Midway Atoll both administratively and operationally. This is clear from the 18-year history of its tenure on Midway. Currently, there are the following reports:

- That the private contractor Chugach has offered to leave before the April 15, 2016 expiration date;
- That aviation fuel is running low in the two large fuel tanks and will be empty in 2016, with no plan by USFWS to obtain additional fuel;
- Only emergency aircraft will be permitted to land on Midway;
- Bonin Petrels (birds) have overtaken the Atoll, creating deep underground burrows, which lead to the death of young Laysan Albatross when they fall into the tunnels and injure the adult Albatross when they land.

SOLUTIONS TO MIDWAY'S PROBLEMS

It is my opinion that there needs to be a change in the jurisdiction of Midway Atoll in order for it to become viable again, and for public visitation to occur on a consistent, fiscally sound basis. In addition, it is important that the airstrip on Sand Island operate once again as a full-time alternate trans-Pacific emergency landing site. On March 20, 2013, Senator Brian Schatz proposed one solution in Senate Bill S. 616 which directs the Department of Interior to study the feasibility of having the National Park Service, as well as private and non-profit organizations, assume responsibility for preserving, protecting and interpreting the natural and historic resources at Midway.

On January 8, 2003, the IMMf offered to the Department of Interior its solution to Midway's difficulties (Submitted for the Record). It emphasizes that Midway Atoll can best be operated by the private sector, which in turn would administer the public visitation program. This scenario is feasible only if:

- USFWS does not impede conditions in which a private contractor could make a profit, from, for example, the sale of aviation fuel to aircraft;
- Midway's continued availability as an alternate emergency trans-Pacific landing site exists; and
- Midway's aviation fuel is offered to the U.S. Coast Guard as needed for its search and rescue missions.

In addition to revenues from aviation fuel, revenues need to be supplemented by public visitation. Using these basic principles, prior to its departure from Midway in 2002, MPC made a profit of \$26,138 with no cost to the taxpayer, despite restrictions placed upon it by the USFWS.

Regarding the governance of Midway Atoll, the foundation recommends a permanent Advisory Board of Governors be created that would include U.S. Fish and Wildlife Service, National Park Service, U.S. Coast Guard, U.S. Navy, FAA, the International Midway Memorial Foundation and a private contractor operating Midway. The President of the Board of Advisors would be rotated annually from each of its members, except the private contractor, and an annual budget and audit would be performed each year and reported back to the Secretary of Interior. This would allow for a viable management solution that meets the needs, and addresses the concerns, of those who have an interest in the future of the Atoll and all for which it stands.

Attachments:

1. Report from the Interior Department Electronic Acquisition System detailing USFWS' expenses for the years 2003–2005
2. Report from the Division of Congressional and Legislation Affairs detailing USFWS' expenses for the years 2005–2014

Submissions for the Record:

IMMF's Feasibility Study submitted to the Department of Interior in 2003

USFWS' Removal Action Work Plan to demolish the two fuel tanks on Midway in 2016

ATTACHMENT 1



National Business Center
 Interior Department Electronic Acquisition System - Electronic Commerce



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Award Number	Solicitation Number	Vendor Name	Agency	Document Title	Award Amount	Award Date
101813C009		MCKINLEY CHUGACH INC	Fish & Wildlife Service, Portland, OR	Midway - Performance Based	\$3,285,428.65	05/13/2003
101813C009/0001		CHUGACH MANAGEMENT SERVICES, INC.	Fish & Wildlife Service, Portland, OR	Midway - Performance Based	\$3,285,428.65	06/10/2003
101813C009/0002		CHUGACH MANAGEMENT SERVICES, INC.	Fish & Wildlife Service, Portland, OR	Midway - Performance Based	\$3,285,428.65	07/31/2003
101813C009/0003		CHUGACH MANAGEMENT SERVICES, INC.	Fish & Wildlife Service, Portland, OR	Midway - Performance Based	\$3,285,428.65	08/02/2003
101813C009/0004		CHUGACH MANAGEMENT SERVICES, INC.	Fish & Wildlife Service, Portland, OR	Midway - Performance Based	\$3,765,974.06	09/18/2003
101813C009/0005		CHUGACH MANAGEMENT SERVICES, INC.	Fish & Wildlife Service, Portland, OR	Midway - Performance Based	\$3,765,974.06	09/23/2003
101813C009/0006		CHUGACH MANAGEMENT SERVICES, INC.	Fish & Wildlife Service, Portland, OR	Midway - Performance Based	\$3,765,974.06	10/01/2003
101813C009/0019		CHUGACH MANAGEMENT SERVICES, INC.	Fish & Wildlife Service, Portland, OR	Midway - Performance Based	\$16,976,621.94	08/04/2004
101813C009/0021		CHUGACH MANAGEMENT SERVICES, INC.	Fish & Wildlife Service, Portland, OR	Midway - Performance Based	\$17,450,692.70	10/07/2004
101813C009/0022		CHUGACH MANAGEMENT SERVICES, INC.	Fish & Wildlife Service, Portland, OR	Midway - Performance Based	\$17,450,692.70	11/03/2004
101813C009/0023		CHUGACH MANAGEMENT SERVICES, INC.	Fish & Wildlife Service, Portland, OR	Midway - Performance Based	\$17,450,692.70	11/22/2004
101813C009/0024		CHUGACH MANAGEMENT SERVICES, INC.	Fish & Wildlife Service, Portland, OR	Midway - Performance Based	\$8,345,271.58	12/06/2004
101813C009/0025		CHUGACH MANAGEMENT SERVICES, INC.	Fish & Wildlife Service, Portland, OR	Midway - Performance Based	\$8,702,406.15	12/21/2004
101813C009/0026		CHUGACH MANAGEMENT SERVICES, INC.	Fish & Wildlife Service, Portland, OR	Midway - Performance Based	\$9,183,761.44	01/21/2005
101813C009/0027		CHUGACH MCKINLEY, INC	Fish & Wildlife Service, Portland, OR	Midway - Performance Based	\$11,134,119.78	01/21/2005
101813C009/0028		CHUGACH MCKINLEY, INC	Fish & Wildlife Service, Portland, OR	Midway - Performance Based	\$11,608,221.61	03/08/2005
101813C009/0029		CHUGACH MCKINLEY, INC	Fish & Wildlife Service, Portland, OR	Midway - Performance Based	\$13,308,883.70	04/01/2005
101813C009/0030		CHUGACH MCKINLEY, INC	Fish & Wildlife Service, Portland, OR	Midway - Performance Based	\$13,308,883.70	04/29/2005
101813C009/0031		CHUGACH MCKINLEY, INC	Fish & Wildlife Service, Portland, OR	Midway - Performance Based	\$17,451,826.60	09/07/2005

ATTACHMENT 2

U.S. Fish and Wildlife Service
 Midway Atoll National Wildlife Refuge
 FY2014 Base Funding (1261/1262)
 Date: September 21, 2014

Allocation / Expenditure Summary	Funded	Exp/Obl	Projected	Balance
FXRS1261 Resource Management base - Wildlife & Habitat	1,168,460	1,157,900	5,695	4,865
FXRS1262 Resource Management base - Maintenance	2,523,695	1,935,609	583,293	4,793
Totals	3,692,155	3,093,509	588,987	9,658

Expenditures by Category	1261		1262	
	Exp/Obl	Projected	Exp/Obl	Projected
11** & 12**: Personnel Compensation & Benefits	254,226		158,946	
21**: Travel and Transportation of Persons	18,573	4,812	3,431	15
22**: Transportation of Things	150,000		47,129	
23**: Rent, Communications, and Utilities	2,804		39,629	173
24**: Printing and Reproduction	103		-	
25**: Other Contractual Services	722,671		1,672,634	582,505
26**: Supplies and Materials	7,926	882	12,592	600
31**: Equipment	1,597		1,248	
Totals	1,157,900	5,695	1,935,609	583,293

Source: FBMS OOTR FF01RMID00 FY2014 date run
 9/21/2014

Exp/Obl includes payroll accrual through Sep 30, 2014

Projected \$582K in 1262 is primarily for routine flights, payments are non-referencing IPAC, not obligated.

Midway Funding History

Fiscal Year	Total FWS Funding	Project Specific \$	Operating \$
2005	\$7,709,237	\$3,155,544	\$4,553,693
2006	\$4,007,884	50	\$4,007,884
2007	\$5,252,603	\$1,213,852	\$4,038,751
2008	\$4,691,752	\$478,000	\$4,213,752
2009	\$4,975,094	\$637,500	\$4,337,594
2010	\$5,614,305	\$832,800	\$4,781,505
2011	\$8,998,830	\$1,460,000	\$7,538,830
2012	\$5,453,668	\$1,100,000	\$4,353,668
2013	\$4,053,563	\$350,000	\$3,703,563
2014	\$4,563,155	\$871,000	\$3,692,155

Mr. FLEMING. OK. At this point we will begin Member questioning of the witnesses. To allow all Members to participate and to ensure we can hear from all of our witnesses, Members are limited to 5 minutes for their questions. However, if Members have additional questions, we can have more than one round of questioning.

I now recognize myself for 5 minutes.

Mr. Foerster, I am going to go through several questions. So I would appreciate a yes or no, a very brief answer, just so I can get through them. During the second round, we can certainly visit back on them. Will you assure this committee today that, in the future,

you will consult with the International Midway Memorial Foundation before any additional historic structures are destroyed?

Mr. FOERSTER. Yes, sir. We will consult with the IMMF.

Mr. FLEMING. OK. Thank you.

Will you testify today that the two large fuel tanks which each hold 2 million gallons will not be destroyed or removed and will be fully functional for the next 10 years?

Mr. FOERSTER. We need to check the status of those fuel tanks—the structural status of those fuel tanks and the physical integrity.

If additional tanks are needed, we would perhaps go in that direction, but we would do that in consultation with our partners, as directed by Congress.

Mr. FLEMING. OK. Mr. Daak, did you want to add something? I am sorry.

Mr. DAAK. Yes. I would like to add.

I had mentioned before the fuel tanks are key to an affordable visitor program. They supplement the dollars that are actually needed to fly there. And without the fuel sales to ships and planes, the seats to Midway are much more expensive.

And, at present, they are not using the fuel tanks because they are planned to be demolished. They have instead new portable above-ground tanks that hold 12,000 gallons each.

Mr. FLEMING. Mr. Foerster, is that true, that the tanks are scheduled to be demolished?

Mr. FOERSTER. I believe, within our maintenance management plan and deferred maintenance plan for the entire refuge system, we identify individual structures, buildings, tanks, roads, runways, and we identify the life of the structures.

Mr. FLEMING. Well, again, I need short answers.

Is it scheduled for demolition?

Mr. FOERSTER. I believe every piece of—every building that we have—

Mr. FLEMING. I don't want to know about the other pieces. I want to know about the tanks.

Mr. FOERSTER. The tanks. I believe the tanks are listed within our maintenance management—

Mr. FLEMING. To be destroyed. OK.

So your answer, then, to that question is really, no, you can't give us assurance that those tanks won't be removed because you know they are going to be demolished.

Mr. FOERSTER. I don't know that. I don't know they are going to be demolished, sir. I know that we will consult—

Mr. FLEMING. OK. Thank you. Thank you. I got my answer. Thank you.

Mr. FOERSTER. Yes, sir.

Mr. JORDAN. Mr. Chairman?

Mr. FLEMING. I am sorry, sir. It is my time.

Since 1997, what percentage of time has the refuge been opened to the public, Mr. Foerster?

Mr. FOERSTER. Sir, since 1997, the Navy had responsibility for the visitor services program up until the transition, I believe in 2005, 2006, and then—

Mr. FLEMING. So what percentage? Can you give me a rough idea. Again, I have limited time here.

Mr. FOERSTER. Timewise, sir, I believe the Navy had that component and then, after 2006, the Service had the responsibility for visitor services.

Mr. FLEMING. So what percentage of time has it been open, approximately? Since you have had title to it, what percentage of time has it been open to visitors, to the public?

Mr. FOERSTER. I don't have the exact number right in front of me, sir. I am sorry. It has been, it was opened——

Mr. FLEMING. All right. We will take that for the record.

Mr. FOERSTER. Thank you, sir.

Mr. FLEMING. Get back to us on that.

Mr. FOERSTER. And I will make sure you get that. Thank you.

Mr. FLEMING. If I were to fly my own plane to Midway, would I be allowed to land?

Mr. FOERSTER. Sir, Midway is currently closed to all visitors except in emergency circumstances. So if you had an emergency, yes, sir.

Mr. FLEMING. OK. If I were to sail my own boat to Midway, would I be given permission to enter the harbor?

Mr. FOERSTER. Again, because Midway Atoll is currently closed, if you had an emergency, yes.

Mr. FLEMING. Has the Service denied entry to various planes and boats in the past year?

Mr. FOERSTER. I don't have that answer in front of me, sir, but I will certainly find out and get it for you for the record.

Mr. FLEMING. Yes. Please get back to us for the record.

Is it true that no special-use permits have been issued since 2005?

Mr. FOERSTER. No, sir. I believe permits have been issued since 2005.

Mr. FLEMING. OK. Have there been requests? I assume there have been requests because you say you have issued those. We would like a report on the numbers.

Mr. FOERSTER. Yes, sir. The number of special-use permits and who they are issued to?

Mr. FLEMING. And who they are. Yes.

Mr. FOERSTER. Yes, sir. We will get that.

Mr. FLEMING. And please explain why it will cost \$1.5 million to operate a 6-month visitor program.

Mr. FOERSTER. Working in a remote marine environment is very challenging and difficult. Everything that we do out there is expensive. Obviously, there is not a Costco down the street.

Everything has additional costs. It costs upwards of a half million dollars to get a barge out there. It is incredibly expensive. So everything has added capacity——

Mr. FLEMING. Since my time is running out, if you would also take that for the record.

Mr. FOERSTER. I certainly will. Thank you, sir.

Mr. FLEMING. If you would get back the breakdown for that cost.

Mr. FOERSTER. Thank you.

Mr. FLEMING. My time is up. I will yield to the gentlelady from Guam.

Ms. BORDALLO. Thank you very much, Mr. Chairman.

While there have been many accusations made against your agency, Mr. Foerster, but I know that, as a government agency, you also have to deal with all kinds of other agencies before you go ahead with whatever is happening.

Both of the Majority's witnesses have said that the Service has temporarily discontinued the Midway Atoll visitation program, but they seem not to recall the steps you have taken to allow us access when funds are available.

So to refresh their memories, please answer the following. On the first, I would just require a yes or no. Was there public visitation on Midway when it was in the Navy's control prior to 1996?

Mr. FOERSTER. Not that I am aware of. I believe it was a naval base. I do not believe there were visitor services at that point.

Ms. BORDALLO. Since taking over management of Midway, has the Service facilitated public events on the atoll to commemorate the Battle of Midway and are similar events planned for the future?

Mr. FOERSTER. Yes, ma'am. We have had a number of events to commemorate the battle. There were commemorative celebrations on the 60th anniversary, the 65th anniversary, and the 70th anniversary. In addition, on Memorial Day, Veterans Day, we hold special events for that.

On the 70th anniversary, my regional director was out there and had the opportunity to stand on the beach with a veteran of the Battle of Midway, and he shared his personal experience with her, brought her to tears. She came back to me and impressed upon me the importance of ensuring that we are doing right by the National Memorial.

Ms. BORDALLO. Thank you.

If Congress provided additional and sufficient funding specifically for the purpose of running a visitor program, would the Service resume visitor services at Midway?

Mr. FOERSTER. Yes. Added capacity. Yes, ma'am.

Ms. BORDALLO. Now, another question I have for you, Mr. Foerster.

Many private businesses, including guides, outfitters, and concessionaires, operate daily in and around national wildlife refuges and demonstrate the flexibility to make a profit while also ensuring that their operations are protective of refuge resources.

Even as new management resources take effect, we have already established that Midway Phoenix Corporation, by its own admission, was unable to live up to its promises and run a sustainable tourism operation.

Do you believe it is realistic to provide mass tourism on Midway at no expense to the taxpayer or is that a pipe dream?

Mr. FOERSTER. We believe that it is possible to provide a high-quality visitor services program on Midway. We believe it would be a challenging endeavor. It would be very expensive, as I mentioned.

It is challenging to get things out there, but we do believe it is possible to provide a high-quality visitor services program within the limits of the National Wildlife Refuge and the National Memorial.

Ms. BORDALLO. Thank you.

Mr. Jordan, your work at Midway has focused on the massive colonies of albatross that nest there and the impacts that marine debris, specifically plastic pollution, has on their survival.

So will you please talk a bit more about the massive scale and profound implications of the marine debris problem.

Mr. JORDAN. Yes.

Ms. BORDALLO. And if you could make it short because I just have a minute and a half left.

Mr. JORDAN. Yes. OK.

There are an estimated 97,000 tons of plastic floating in the Pacific Ocean and there are lots of different engineers and biologists who have gone out there and tried to figure out ways to clean it up.

And as far as anybody knows, the plastic can't be cleaned up out of the ocean and, even if it could be, it is pouring out of polluted rivers and it is being dumped by all kinds of different boats all the time.

The reason that the plastic shows up in such a powerful way on Midway is the albatross range over the entire Pacific Ocean to collect food to come back and feed their babies. And so what they come back to the island with is stomachs filled with cigarette lighters and toothbrushes and plastic bottle caps.

So, really, the problem of plastic pollution on Midway Island is no different than it is on any other island in the Pacific or elsewhere in the world, except that the albatrosses just bring it in this viscerally powerful and visual way.

Ms. BORDALLO. OK. Thank you.

Now, you mentioned in your testimony particularly that of the *Verbesina* plant and the Ironwood trees. Do you think it is important to eradicate these plants both for the purpose of protecting native natural resources and for the historical value of restoring the atoll to the conditions that early visitors to Midway would have seen?

Mr. JORDAN. Yes. It is incredibly important. *Verbesina* is a cute, little yellow daisy that grows naturally above 10,000 feet in the Colorado Rockies and, when you plant it at sea level on a tropical island in 4 million years of Guano, it grows 7 feet high and into these huge bushes that produce millions and millions of seeds.

And if Fish and Wildlife stopped their efforts to rip out and control *Verbesina*, the entire island would be covered with it within a very short time and the albatrosses wouldn't be able to live there anymore. Same thing with the Ironwood trees.

Ms. BORDALLO. Thank you. My time is up.

Thank you, Mr. Chairman.

Mr. FLEMING. Gentlelady's time is up.

Mr. Lowenthal is recognized for 5 minutes.

Mr. LOWENTHAL. Thank you, Mr. Chair.

Mr. Jordan, your photos of the albatrosses at Midway Atoll that have died from ingesting plastics are really striking.

And I know a little bit about that from, I don't know if you know Mr. Charles Moore of the Algalita, who is a constituent of mine. I have known Charlie for 20 years.

And I understand you are working on a film and you have a preview of 4 minutes. Can you show that to us today?

Mr. JORDAN. Yes. I would be delighted to. Thank you.

There it is right there.

[Video shown.]

Mr. LOWENTHAL. Would you like to give—you only have a half a minute. Just tell us what is next.

Mr. JORDAN. I am very much hoping that I will have the film finished in the next few months. It has been a really long and challenging process to make a film that truly honors the incredible depth and beauty and power of the story of Midway.

And it has been amazing, as I put this work out there and shared it with the world, that it isn't only reaching people who are interested in albatrosses or people who are interested in ocean plastic pollution.

I just got back from Jeddah, Saudi Arabia, where I was invited to go and speak about this work. And people in the interior of Brazil and all over the world are transformed by something about the story of Midway.

Mr. LOWENTHAL. Well, thank you.

And I yield back the balance of my time.

Mr. FLEMING. Gentleman's time is up.

Gentleman from Michigan is recognized for 5 minutes.

Mr. BENTIVOLIO. Thank you very much, Mr. Chairman, Ranking Member.

Normally, this is not my committee, but I have asked to speak here today or ask some questions. This is of interest to me and many of my constituents back in Michigan. I am going through—I saw the videos. I have been looking at both sides of this equation. I have some very simple questions to ask.

Under the MPC care—is it Mr. Daak?

Mr. DAAK. Yes.

Mr. BENTIVOLIO. Thank you very much for being here.

Under your care, there are these large fuel tanks. Correct?

Mr. DAAK. Yes.

Mr. BENTIVOLIO. And never had a problem? Never been a leak or spill?

Mr. DAAK. Not to my knowledge. There were five full-time employees manning the fuel farm at that time.

Mr. BENTIVOLIO. But under Wildlife Division of the Federal Government, did they ever have a spill or damage to the environment because of a fuel spill from those tanks?

Mr. DAAK. Yes, sir.

Mr. BENTIVOLIO. They have?

Mr. DAAK. Yes. At the time of that spill, I think the estimated number of gallons was between 80,000 and 100,000 and the contractor had one part-time employee managing the entire facility at that time.

Mr. BENTIVOLIO. Thank you.

So under the Federal Government's care, we had a fuel spill. Under the MPC, no fuel spill. Correct?

Mr. DAAK. That is correct.

Mr. BENTIVOLIO. And you had some golf carts, if I am not mistaken, quite a few golf carts—

Mr. DAAK. Yes, sir.

Mr. BENTIVOLIO [continuing]. That take people around and visitors and so on and so forth while MPC was in operation. Correct?

Mr. DAAK. Yes, sir.

Mr. BENTIVOLIO. OK. What happened to those golf carts?

Mr. DAAK. Well, a good portion of them were taken to the dump immediately after—

Mr. BENTIVOLIO. What dump?

Mr. DAAK. There is a dump on Midway where items are staged.

Mr. BENTIVOLIO. So we have acid leaking from those golf carts, leaking into the soil in the environment on Midway Island. Correct?

Mr. DAAK. Yes, sir. The way Phoenix positioned all our carts, inside one building. And they were taken, used, and separated for the ones that wanted to be kept and the ones that wanted to be thrown away by the follow-on people.

Mr. BENTIVOLIO. So you had the acid leaking from those batteries into the environment while under the care of the Federal Government Wildlife—

Mr. DAAK. I shouldn't say that because I wasn't there. My best guess is it could have happened.

Mr. BENTIVOLIO. OK. There was a hand-carved statue, quite a beautiful statue of quite a beautiful bird.

Mr. DAAK. Yes, sir.

Mr. BENTIVOLIO. And under the care of the Fish and Wildlife Service, what happened to that?

Mr. DAAK. It was destroyed or eaten by termites. I don't blame anybody for not catching it early. There wasn't a plan for maintaining the big statue.

But what disappoints me is that we were told more than once that it was already underway to be rebuilt, not to worry, their only concern was it wouldn't be ready for an upcoming event, and that has not happened.

Mr. BENTIVOLIO. I understand.

So it was destroyed or taken down, correct, under the Fish and Wildlife Service—

Mr. DAAK. It is down. It is not standing anymore. That is correct.

Mr. BENTIVOLIO. No maintenance.

Can I ask: How much did it cost taxpayers for visitors to go to Midway Island while MPC was in charge?

Mr. DAAK. Our goal was near no cost.

Mr. BENTIVOLIO. No cost.

And how much today did the Fish and Wildlife Service say you needed out of taxpayer money to reestablish visitors to Midway Island?

Mr. FOERSTER. The added capacity and staffing, sir, would be a little bit over \$1 million a year.

Mr. BENTIVOLIO. A little over \$1 million.

Mr. FOERSTER. Yes, sir.

Mr. BENTIVOLIO. So right now, under your care, it costs, if I am not mistaken—correct me if wrong—about \$2 million per year to maintain Midway Island at least 6 months of the year? Did I understand that correctly?

Mr. FOERSTER. The operating budget for Midway Atoll is about \$3.6 million a year right now. Yes, sir.

Mr. BENTIVOLIO. \$3.6 million. And under their care, it didn't cost us anything.

In fact, your entire area gets over \$470 million per year out of taxpayer money and used \$3 million to—actually, it looks like, under the Fish and Wildlife Service, you have done more damage to Midway Island than MPC has as far as the environment is concerned.

And I want to ask one more question, Mr. Jordan. I really appreciate that video, and I understand. But somehow you are skewing the message.

Those plastics—I am very familiar with this pollution problem in the ocean. I mean, we have these vast areas in the ocean that, for some reason, all the debris that falls into the ocean, comes out of the rivers, falls off container ships, seems to gather together not only in the Indian Ocean, the Pacific, and the Atlantic, and those albatrosses, very, very beautiful birds, go there, land there, start eating some shiny things, come back to Midway Island and die.

But under no circumstances, and according to your testimony, are any of those birds ingesting those things on Midway Island. Is that correct?

Mr. JORDAN. That is correct.

Mr. BENTIVOLIO. Thank you very much.

I appreciate it, Mr. Chairman. I yield back.

Mr. FLEMING. Thank you. The gentleman yield backs.

Well, I think we would like to have another round. Would you like?

So I now yield myself 5 minutes.

Mr. Jordan, when were you there last?

Mr. JORDAN. I was just trying to remember. It was either the fall of 2012 or the fall of 2013.

Mr. FLEMING. OK. And, Mr. Foerster, when was the island closed off to travelers?

Mr. FOERSTER. Well, the island, the visitors services program was suspended in 2012, and I believe—

Mr. FLEMING. But in my previous question, I said what about an average guy like me who wants to go there to visit, not as a Congressman, but to visit. You said I wouldn't be allowed to dock there or to fly there.

So when did that begin?

Mr. FOERSTER. Again, the visitor services program was suspended in 2012.

Mr. FLEMING. So how did Mr. Jordan continue to visit there?

Mr. FOERSTER. I believe, sir, Mr. Jordan had a special-use permit or a monument permit to conduct that activity.

Mr. FLEMING. A special permit.

Well, how does an average citizen who wants to enjoy this lovely scene in person get that special permit?

Mr. FOERSTER. If they are going out to conduct an activity or commercial venture, that would then qualify for a monument or a special-use-type permit.

Mr. FLEMING. So if they have a special interest, a special message they want to create that may be acceptable to, say, the current administration, they probably could get such a permit?

Mr. FOERSTER. If they met the requirements of the regulations and policy, then we would—

Mr. FLEMING. Regulations and policy. OK.

Mr. FORESTER. Yes, sir.

Mr. FLEMING. All right.

Mr. FOERSTER. If you could restate your question, the last part of it I didn't quite understand.

Mr. FLEMING. Well, you see, one of the things that I have learned—I have been on this committee for 6 years, and the really bottom-line thing I have learned about various countries, islands around the world and so forth is that, when you get Americans personally involved, they become advocates and they are willing to put their money and their commitment into that success.

Ivory in Africa is a good example of that where now we are actually disallowing hunting of ivory and, as a result of that, poaching will go to astronomical levels and then we are going to lose all of our elephants. So, you see, it is actually a net plus to have humans, of course, with certain restrictions and limitations.

And so we have allowed a photographer to go there to bring back a message that these birds are eating things that are really pollutants from around the world, not just on this island.

But, on the other hand, the average person who may want to contribute their money directly and see to it that this area is preserved and the birds are saved is not allowed.

Mr. FOERSTER. That is correct in that context. We do not have a visitors services program there, sir.

Mr. FLEMING. OK. Well, thank you.

Let me change subject here in the time that I have.

Dr. D'Angelo, Public Law 106-113, enacted in 1999, designated Midway Atoll as a national memorial to the Battle of Midway. The law says that the Secretary shall consult on a regular basis with such organizations, including the International Midway Memorial Foundation on the management of the National Memorial.

Have those consultations occurred?

Mr. D'ANGELO. No. They have not occurred in any form. I have never received a consultation regarding the management of the—Sorry. I have never received any consultation, regular or irregular, from the Fish and Wildlife Service as directed by the public law.

Mr. FLEMING. OK. And, Mr. Daak, you can weigh in as well on any of these questions.

Have any historic World War II buildings been destroyed since the Service obtained fee title to the land? And was your organization consulted, as required by law, prior to that removal?

Either one of you would be fine.

Mr. DAAK. There have been historical buildings destroyed. There were, as I remember—

Mr. FLEMING. But were you consulted before that, before destroying them?

Mr. DAAK. No. They had no need to consult with me. I am just a guy here on my own.

Mr. FLEMING. How about you, Dr. D'Angelo?

Mr. D'ANGELO. No. They haven't.

In reference to the statement made that I have been talking to Dan Clark, yes, we have been talking, but the discussions have not

been substantive. He had to go on a Coast Guard duty and we were supposed to hook up and, due to his commitment, we didn't.

We spoke after that and, while we were on the phone, the new telephone apparatus went down, and I was supposed to hear back in a few weeks.

Mr. FLEMING. OK. But, bottom line, they didn't consult with you before doing it?

Mr. D'ANGELO. No. We were talking about talking, but we never talked.

Mr. FLEMING. In my remaining time, let me ask one other question.

At the time of the transfer, the Department of the Navy identified a number of historic properties on Midway. How well have any been maintained by the Service?

Either one of you.

Mr. DAAK. In my opinion, not well. They have learned lessons the hard way. There is a lot of lead paint on the ground. That is a very big problem.

And the solution, in my opinion, is to keep the buildings painted and keep the paint from peeling off the buildings and falling onto the ground. It has been a problem since I first went there in 1983.

Mr. FLEMING. OK. All right. My time is up.

Gentlelady from Guam is recognized for 5 minutes.

Ms. BORDALLO. Thank you, Mr. Chairman.

Mr. Foerster, according to the National Park Services Historic Landmarks program, the Navy did not live up to its commitment to appropriately decommission buildings before transferring Midway to the Department of the Interior, leaving behind a legacy of contaminants, such as lead paint, asbestos, invasive species like the *Verbesina*.

And, further, the Midway Phoenix Corporation discontinued operations on Midway without removing any of the tourism-related equipment, machinery or structures or golf carts or whatever.

Now, somebody said they donated it to the island. Come on. Let's be realistic. They just didn't want to pay to send it all back. That would have been very expensive. And, besides, they lost \$15 million.

Mr. DAAK. If I can say—I personally own the golf carts.

Ms. BORDALLO. No. I would like to finish, please.

Mr. DAAK. OK.

Ms. BORDALLO. Has dealing with the messes created by other entities been a financial burden on the service, Mr. Foerster?

Mr. FOERSTER. Well, thank you, ma'am.

Yes. It certainly has been a challenge. With respect to the issues like lead-based paint that were brought up, we have spent \$15.1 million dealing with the lead-based paint issue out on Midway. There are also asbestos issues and other things.

So, yes, it has been very challenging. That is hazardous fund, superfund-type money that comes in.

Ms. BORDALLO. I am very familiar with this because we have dealt with this on Guam when military has closed down and so forth.

OK. How has that contributed to your maintenance backlog and your ability to address your priorities of natural and historical resources at Midway? If you could answer it shortly.

Mr. FOERSTER. Not having the capacity makes it very challenging. We have a tremendous maintenance backlog at Midway Island, and we are working every day to make it a better place.

Ms. BORDALLO. OK. Another one for Mr. Foerster.

The text of Section 126 of Public Law 106–113, which requires the designation of Midway Atoll as a national memorial to the Battle of Midway, was passed in 2000 after administration of Midway had passed to the Department of Interior.

The law provides no funding for additional activities related to the Memorial, creates no legal obligation to make management changes, and does not require consultation with any party with a defined frequency or schedule.

Now, given these facts, do you believe the Service has met its obligation under the law?

Mr. FOERSTER. I believe we have met our obligation. We coordinate with a number of partners on it, including the state of Hawaii. The state has a historic preservation officer.

However, I have come to find out that we have not been consulting on a regular recurring basis with the IMMFF. And since I took over, I directed Refuge Manager Dan Clark to do that. That was——

Ms. BORDALLO. Now I have another question here. And that brings up the point of the historic preservation plan.

We have to remember that, as a government agency, you have to deal with all these other government agencies before you can move forward, which sometimes can postpone and so forth.

So has the Service managed Midway Atoll in accordance with the historic preservation plan?

Mr. FOERSTER. We have, ma'am. We have a historic preservation plan that was created in 1999 and updated in 2010, and we are currently working with the state historic preservation officer to comply with the National Historic Preservation Act. We currently have, as I recall, 63 heritage structures on Midway.

Ms. BORDALLO. All right. Let's see. I still have a little time left.

Mr. Chairman, you made a statement about the African elephants that would result in the elimination of elephants because of this ivory situation.

Is that a——

Mr. FLEMING. Yes, you may recall, if the gentlelady will yield, in Zimbabwe we had hearings on the ban on ivory hunting and the industry in which people pay to come hunt a limited number of elephants.

It actually stands up the infrastructure that protects the elephants from poachers. Well, as that infrastructure goes down, the poachers are going to be unlimited in their access to the elephants. So the net result is the death of elephants.

So that is why it is important——

Ms. BORDALLO. But is there evidence to this?

Mr. FLEMING. Oh, yes. Absolutely. It was brought out in our committee meeting, yes—our subcommittee meeting.

Ms. BORDALLO. Well, it is something new to me. I haven't seen the evidence. So——

Mr. FLEMING. OK. Yes.

But it was—we had a very full hearing, and maybe you were not present. Yes, we actually had a wildlife expert from Zimbabwe who testified to this and had the data and the numbers.

Ms. BORDALLO. All right. Well, Mr. Chairman, I yield back.

And I want to thank the witnesses today for their testimonies.

Mr. FLEMING. Now I recognize the gentleman from Michigan.

Mr. BENTIVOLIO. Thank you again, Mr. Chairman and Ranking Member.

A few quick questions. Excuse me.

Mr. D'Angelo. Correct?

Mr. D'ANGELO. Yes.

Mr. BENTIVOLIO. On Midway Island, they had a lot of trees, if I am not mistaken. Correct? And they were Ironwood trees? Very valuable wood.

Mr. D'ANGELO. Yes.

Mr. BENTIVOLIO. What did the——

Mr. D'ANGELO. Did you hear the yes?

Mr. BENTIVOLIO. Yes. I heard the yes. Thank you.

What did the Fish and Wildlife do to those—or division of the Federal Government do to those trees?

Mr. D'ANGELO. Yes. Well, Mike can confirm this. But they eliminated all the trees on Eastern Island, OK, which is not accessible, even when there was public visitation. It was closed to the public. I just want to add that.

Mr. BENTIVOLIO. So those—they were removed by the——

Mr. D'ANGELO. Fish and Wildlife Service.

Mr. BENTIVOLIO. Mr. Foerster, why did they do that?

Mr. FOERSTER. Sir, the trees are not native and they interfere with the——

Mr. BENTIVOLIO. Well, they are now. Have you ever heard of the Columbian Exchange? I mean, half of America—everything that we grow in this country, just about, is not native to this country. Are you going to turn it back 300, 400 years? Have you ever heard of the Columbian Exchange, sir?

You didn't?

Mr. FOERSTER. Yes, sir. Thank you.

And Ironwood trees, much like the Verbesina plants, are not native to——

Mr. BENTIVOLIO. So without those trees, now we have mass beach erosion in the Eastern Island, to my understanding. Is that correct? In my study, that is what I have—my research, that is what I hear, sir.

Mr. FOERSTER. I am unaware of the trees causing the——

Mr. BENTIVOLIO. Let's see. Under your care, we have golf carts with their acid leeching into the soil, fuel tanks that leached into the ocean and the beach, and now we have trees that were removed, causing mass erosion on the beaches of Eastern Island.

Now, and we have, let's see what else you did.

They have signs, street signs on that island, if I am not mistaken, and the Fish and Wildlife Service lowered them. Is that correct?

Mr. FOERSTER. Yes, sir. The——

Mr. BENTIVOLIO. Rather than cleaning up or painting the buildings, you went about lowering signs because some bird, a very beautiful bird, is going to run into them. Instead, they are running into those trees and dying on those trees. Those are the pictures I have.

I would like to enter those into record, if I may, Mr. Chairman, these photographs.

Mr. FLEMING. Without objection.

Mr. BENTIVOLIO. Thank you very much. I yield back.

Mr. FLEMING. OK. The gentleman yields back.

Mr. Daak, you wanted to respond to Ms. Bordallo about something about, I think, some of the buildings and things.

Would you like an opportunity to respond? Oh. The golf carts and infrastructure.

Mr. DAAK. Well, I mostly wanted to respond about the fuel tanks. I was cut off short on that.

Mr. FLEMING. Go ahead.

Mr. DAAK. As we mentioned, the large fuel tanks are not being used anymore. Instead, portable above-ground tanks, supposedly the best of their kind for not spilling, are in place, each tank holding 12,000 gallons, but maybe 10 tanks or so, tops.

Mr. D'ANGELO. Yes. That is correct.

Mr. DAAK. And the important thing that I notice about this is that these tanks weren't purchased. They are leased. And at any moment they can turn them back in and have the ultimate excuse to further close the doors.

Mr. FLEMING. OK. Good. I appreciate your response.

OK. Back to Dr. D'Angelo and Mr. Daak, another question. Why is it important that the National Memorial and the remaining World War II structures be preserved in the future?

Mr. D'ANGELO. Well, the memory of the Battle of Midway speaks even beyond the battle itself. It talks about the courage, the bravery, and a pivotal battle in World War II. And, as a result of that, the only way to perpetuate a memory is by having the public visit there. One of our ideas was to have a Midway museum with artifacts, maybe get a PBY to take people around, et cetera.

And so the important thing is to perpetuate the history because, without the history and its inspiration, Americans are the losers. And even though it is distant, there are two feasibility studies that show that the private sector can perform their work adequately out at Midway and make a profit.

And the destruction of the fuel tanks puts a death knell on future public visitation, at least for the private sector. If they want public visitation with the loss of those tanks, Congress will get hit for more money. And so more money will be lost.

Mr. FLEMING. Yes. I understand.

Mr. D'ANGELO. Right.

Mr. FLEMING. In your opinion, are these structures any less important than, say, the historical structures at Gettysburg or the Battle of Antietam or Vicksburg?

Mr. D'ANGELO. Not at all. And every structure plays a role in the memory of Midway.

Mr. FLEMING. OK. Is Midway any less important—well, I think I have covered that well enough as it is.

Mr. Daak, do you have anything you would like to add?

Mr. DAAK. Well, I would like to say that I was there for the entire duration of the Midway Phoenix visitor program. I witnessed it working hand in hand where people were interested in wildlife, further assisted wildlife ventures.

And we were limited to 100 visitors a week. We weren't using jet skis in the lagoon. In fact, we weren't even allowed to permit kayaks in the lagoon for fear that oars could hit a turtle.

These are extreme deals to us that—

Mr. FLEMING. So let me encapsulate something in the time I have left, and you can add after that.

So, basically, what we are looking at, if we had a for-profit or certain private enterprise there, it would take the burden off the taxpayer to maintain this, it would bring visitors in, of course, just like we like to go to the war memorials on Guam and Honolulu, and, of course, they bring their money, which helps maintain the infrastructure.

And certainly we can put in place the kind of restrictions so that they are not using this as a Caribbean cruise, but actually a hallowed ground, a sacred ground.

So we could actually create the money and unburden the taxpayers, which gets to be a heavier burden every year. We could actually do it in a way that would really honor it and honor those who sacrificed their lives and sacrificed many things in the effort to turn that war around, that we eventually won. It seems to me that that is a win-win situation.

Mr. DAAK. That is exactly how I feel about it.

Mr. FLEMING. And at the end of the day, the problems that befall that island, particularly, say, the birds who are swallowing plastics, that is there now. It is happening now, and it probably always will be a problem until we come up with a solution for that problem.

Mr. DAAK. Yes. Right.

Mr. FLEMING. Yes, sir.

Mr. D'ANGELO. Yes. I would just like to add one additional feature to the Congressman about what Midway Phoenix had to face.

The beaches, as you already know, on Midway are beautiful. And so the endangered species, Hawaiian Monk seal, is listed.

Fish and Wildlife could not get the Hawaiian Monk seal to habitat on Midway, and what they did is they went to the neighboring island and transported a few of them over to Midway and then closed the beaches to the public.

So these were some of the things—you will never get the private sector to work out at Midway if you have to face Draconian measures like Fish and Wildlife imposed on Midway Phoenix.

Mr. FLEMING. And my time is up. And I—yes.

I yield to the gentlelady.

Ms. BORDALLO. Thank you very much, Mr. Chairman.

This really isn't for anybody to answer, but I just want to make a statement after hearing everything this morning.

I wanted to read part of an email that my staff received from Mr. Dan Clark, who is the refuge manager at Midway Atoll. And, as

Mr. Foerster mentioned, Dan had served for 33 years in the U.S. Coast Guard and the Coast Guard Reserve.

And I wish to tell the gentlemen that I have visited Midway and I have been many times on Wake Island. I am from Guam. You know, that is a stopping-off point once in a while for us, but I did take a codel to Midway several years ago.

And I want to quote what Mr. Clark says:

“We take great pride in the memorials, and they are the centerpiece for regular events held on Midway Atoll to commemorate significant events and holidays, example, Memorial Day, the Battle of Midway, and Veterans Day. And, additionally, the albatrosses are tied to this place. They are very important. They were here before people re-sided on the atoll, were present during the significant events of the military era, and are part of the fabric that makes up Midway Atoll.

Veterans remember their interactions with albatrosses all the time. The combination of albatrosses and the other 18 species of birds that depend on the atoll and the recognition of the historic significance of the place is an example of how special the place is.

We are proud to serve both at Midway Atoll National Wildlife Refuge and Battle of Midway National Memorial.”

And I want to say, as I said in my opening statement, if any member of this committee is unsatisfied with the management of historic resources at Midway, I invite him to join me in signing a letter to the Appropriations Committee requesting additional funding to do the job right.

I think there is a place for the Department of Interior and their role there, the Fish and Wildlife Refuge, and also for a certain amount of visitation rights for people to come to Midway.

And, with that, I end and I turn back my time. Thank you.

Mr. FLEMING. Gentlelady yields back.

I recognize the gentleman from Michigan.

Mr. BENTIVOLIO. Thank you again, Mr. Chairman.

Earlier, at the beginning of this hearing, Mr. Foerster, you indicated to the Chairman that you were going to consult with the International Midway Memorial and other people in how to figure out some kind of harmony on where we can have business as well as an environment that is safe and secure.

Can you tell me what your definition of “consult” means. I mean, explain what you mean by the word “consult.” I haven’t seen any of it in the past, according to the records. Actually, the gentleman pointed it out. It was very Draconian.

Mr. FOERSTER. Well, sir, I would acquiesce to a dictionary for the formal definition of “consult.” But as directed by Congress and the law, “consult” means communicate. It means open regular—

Mr. BENTIVOLIO. Yes, but it doesn’t really mean for you—or it seems like not you personally, I apologize for that—but for the Agency, it is basically you telling them what is going on and what you are going to do. I mean, that is my experience with Federal agencies. It is basically, “These are the rules. We made them up.

This is how we are going to do it. This is how we interpret it. You will do this.”

Look, in my state, I am surrounded by more fresh water than almost most countries in the world, the Great Lakes. And, yet, if with the stress that we have on our fisheries and the oceans, I have to go through 13 different Federal and state agencies to build a fish farm. And the biggest hurdle is the Fish and Wildlife Service.

You are helping, the Federal Government is helping, to keep employment at low rates in this country. That is the number one biggest problem I see in our employment and our economy, is the Federal and state agencies involved.

Now, we understand you have some good ideas and we are willing to listen. And I can tell these two gentleman over here, they want to do the right thing. Their heart is in the right place. But it seems like you want it all way.

We have got to turn everything back to the way it was and, if we did that, well, we wouldn't be growing corn in the United States—or—excuse me—that is the opposite—they wouldn't be growing it in Europe. Corn was a natural here.

Thank you very much, Mr. Chairman.

Mr. FLEMING. OK. The gentleman yields back.

Before closing, I would again like to thank our witnesses for participating in this important hearing.

I would ask unanimous consent to submit for the record the letter Congressman Duncan of Tennessee and I wrote to the Government Accountability Office, the 2010 Historic Preservation Plan for the refuge, IMMF Feasibility Study, a document entitled “To Create Sound Fiscal Policy for the Midway Atoll at No Taxpayers Expense,” and a Removal Action Work Plan, a document on the removal of lead-based paint from structures on the island.

In the final analysis, it is clear that in the terms of stewardship, the Fish and Wildlife Service made a priority of conserving and protecting the very species of birds living on the island.

However, the Service gets a failing grade for their lack of a visitors program and for allowing the historic World War II structures on Midway to deteriorate.

I would remind the Agency that one of the purposes of the refuge was to recognize and maintain the historic significance of Midway Atoll. I do not know how you do that if many of the structures have either been destroyed or targeted for demolition.

And, again, we do not have an unending pile, stash, if you will, of dollars. We are \$18 trillion in debt. So just throwing more money at this issue will not solve it.

It was a mistake to make Midway Island a national wildlife refuge. The Fish and Wildlife Service did not have the interest, expertise, or desire to protect the historic resources on this island. This is sacred ground where young American Marines and Navy personnel gave their lives to ensure freedom for this Nation.

As Admiral Walter Lord reminds those who read the Battle of Midway Memorial: They had no right to win; yet, they did. And, in doing so, they changed the course of a war, even against the greatest of odds, a magic blend of skill, faith, and valor that can lift men from certain defeat to incredible victory.

I want to thank Members and staff for their contributions to this hearing.

If there are no further business, without objection, the subcommittee stands adjourned.

[Whereupon, at 12:33 p.m., the subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

PREPARED STATEMENT OF THE FRIENDS OF MIDWAY ATOLL
NATIONAL WILDLIFE REFUGE

Chairman Fleming, Ranking Member Sablan and members of the subcommittee, thank you for the opportunity to submit this written statement. The Friends of Midway Atoll National Wildlife Refuge is an association of supporters and former residents of Midway Atoll. Our mission is to support the Midway Atoll National Wildlife Refuge in its efforts to preserve, protect and restore the biological diversity and historical resources of Midway Atoll while providing opportunity for wildlife-dependent recreation, education and scientific research. We support the U.S. Fish and Wildlife Service as a conservator of both history and wildlife at Midway. We also strongly support the re-opening of Midway to visitors in ways compatible with the wildlife and historical preservation mission of the Refuge.

Just this past year, Friends of Midway provided partial funds for Refuge projects that supported the preservation of historical and natural resources at Midway: the invasive weed *Verbesina* has been almost eliminated from Eastern Island; short-tailed albatross, a species once thought to be extinct, have been breeding at Midway and managers can observe their movements using remote cameras and; murals depicting military life that were at risk from the elements at Midway were transported to Hawai'i and stabilized by art restoration experts.

USFWS managed a very successful visitor program at Midway between 2008 and 2012 but the visitor program was ended due to budget cuts. Any program that would start up now at no cost to the taxpayer will necessarily be expensive. This was not the case in the late nineties but several main factors have changed. The commercial airline that served Midway closed due to bankruptcy. In order to conserve funds, USFWS has reduced the footprint at Midway and there is no longer the capacity for large numbers of visitors that could provide an economy of scale to reduce costs. Furthermore, large numbers of visitors would be detrimental to both the historical monuments and the wildlife at Midway.

The historical monuments at Midway are important and Friends of Midway fully supports taxpayer funds paying for veterans to visit Midway for memorial services and special ceremonies. However, a well-run visitor program open to all that protects both the historical and natural resources of the Atoll will have to be adequately funded—and that includes providing USFWS with enough funds to provide for the staff necessary to oversee a visitor program. The current budget does not allow for a visitor program.

Friends of Midway are disappointed that the committee did not invite witnesses from the very successful visitor program between 2008–2012 or anyone that supports the work of the USFWS at Midway. We hope that in future discussions of this issue voices that support the U.S. Fish and Wildlife Service and the wildlife at Midway will have a chance to be heard.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
WASHINGTON, DC 20515
JULY 8, 2014.

The Honorable Gene L. Dodaro,
Comptroller General of the United States,
Government Accountability Office,
441 G St. NW,
Washington, DC 20548.

Dear Comptroller General Dodaro:

We would like to formally request that the Government Accountability Office conduct a comprehensive analysis and report to the Congress on the management of

the financial and historic aspects of Midway Atoll by the U.S. Fish and Wildlife Service (USFWS). We are concerned about possible mismanagement by USFWS based on information that has recently come to our attention.

We submit the following background information:

- USFWS gained jurisdiction over Midway in 1996 when the Atoll was transferred to the Service by the U.S. Navy.
- In 2000, President Clinton signed a bill designating the entire Midway Atoll as a National Memorial (Public Law 106–113, Appendix C, Sect. 126).
- Sect. 126 requires the Secretary of Interior to consult on a regular basis with the International Midway Memorial Foundation (IMMF) on the management of the National Memorial.
- Eco- and historical tourism have been an integral part of USFWS' public policy toward Midway.
- A private company administered all services on Midway under the supervision of the USFWS from 1997–2002 at no taxpayer expense.
- For many years, Midway Atoll has been utilized as an emergency landing site for trans-Pacific flights.

According to photographic evidence obtained by the committee, USFWS apparently has improperly demolished four historic cable buildings and other structures on Eastern and Sand islands that were protected by the Midway National Memorial designation.

In addition, it appears that the costs of operating Midway have risen exponentially since the private concessionaire departed in 2002. Moreover, since November 2013, Midway Atoll has been closed to the general public. Finally, we have been advised that USFWS is planning to destroy two large fuel tanks on Sand Island, which apparently would make any future public access to Midway—whether for tourism or emergency aircraft landing—virtually impossible.

We are, therefore, requesting a comprehensive study by the Government Accountability Office which would include the following important components:

- A financial audit of USFWS revenues and operating costs related to the management of Midway Atoll.
- An accounting of all buildings and structures that have been destroyed, without due process as required in Public Law 106–113, and the cost of these removals.
- Information on any plans to destroy the remaining fuel tanks, and any other structures including the justification for their removal.
- The current status of Midway as an alternate emergency landing site for trans-Pacific flights, and what impact the destruction of the fuel tanks would have on this capability.
- Documentation of the physical appearance of Midway Atoll, including areas on which the cable buildings, as well as other historical structures, were situated.
- The history of public access to this refuge since it was established and the lands that were incorporated within the National Wildlife Refuge System.
- Documentation on whether the Secretary of Interior has sought, or attempted to seek, the input of the International Midway Memorial Foundation as directed in Public Law 106–113.

We look forward to hearing from you on when GAO can initiate this investigation and how long it would take to complete this important effort. Should you have any questions, please feel free to contact Garth Van Meter of Congressman John Fleming's staff who is the contact person on this comprehensive review.

Sincerely,

JOHN FLEMING, M.D.,
*Chairman, Subcommittee on Fisheries,
 Wildlife, Oceans and Insular Affairs.*

JOHN J. DUNCAN, JR.,
Member of Congress.



U.S. Fish & Wildlife Service

Midway Atoll National Wildlife Refuge

Historic Preservation Plan 2010



Seaplane Hangar, Midway Atoll NWR - USFWS Photo

All of the historic resources identified on Sand and Eastern islands are listed in Table 5.2 which presents the resources sorted by historical value and refuge operations ranking with the historic theme included for reference.

Table 5.2. Midway's Historic Properties: Theme, Current Condition, and Ranking.

Bldg. No.	Common Name	Historic Theme	Current condition (CC)	Historic Value Ranking (HRV)	Refuge Operations Ranking (ROR)
S2115	Seaplane Ramp	1940-1942	Good	A	1
151	Seaplane Hangar	Kahn architecture; 1940-1942	Fair	A	1
414,	OIC, Senior	Kahn architecture; 1940-1942	Good	A	1
415, 416, 417, 418, 419, 421, 422, 423, 424	Officers' Quarters	Kahn architecture; 1940-1942	Good	A	1
356	General Squadron Storehouse	Kahn architecture; 1940-1942	Good	A	1
349	Commissary and Cold Storage	Kahn architecture; 1940-1942	Good	A	1
363	Torpedo Shop w/parachute tower	Kahn architecture 1940-1942	Fair	A	2
342	Paint and Oil Storehouse	Kahn architecture; 1940-1942	Good	A	2
S6194	ARMCO hut	Battle of Midway	Good	A (NHL)	3
357	Torpedo Shop (Machine shop)	Kahn architecture; 1940-1942	Fair to Poor	A	3
259	Theater and Offices	Kahn architecture; 1940-1942	Fair to Poor	A	3
S-1	5-inch Gun Battery C - "Charlie"	Battle of Midway	Fair	A (NHL)	4
S-2	3-inch gun Battery D - "Dog"	Battle of Midway	Fair	A (NHL)	4
S-3	Pillbox near S7125.	Battle of Midway	Poor	A (NHL)	4
S-6	Pillbox, south shore	Battle of Midway	Fair to Poor	A (NHL)	4
S7124	ARMCO hut	Battle of Midway	Poor	A (NHL)	4
S7125	ARMCO hut	Battle of Midway	Poor	A (NHL)	4
643	Cable Station- Mess Hall	Colonization	Fair	A	4
354	Power Plant	Battle of Midway	Poor	A	4
6-24, 12-30, 3-21	Eastern Island Runways	Battle of Midway	Fair to Poor	A	4
S-7	Metal Pillboxes, north side on inner harbor	Battle of Midway	Fair to poor	A	4
E-3	Metal Pillbox, Eastern Island	Battle of Midway	Fair	A	4
S3126, S3127	Water Reservoirs	1942-1945	Good	B	1

Bldg. No.	Common Name	Historic Theme	Current condition (CC)	Historic Value Ranking (HRV)	Refuge Operations Ranking (ROR)
393	Public Works Storehouse	1942-1945	Poor	B	1
S5247	Brackish Water Reservoir	1942-1945	Good	B	1
578, 579	Barracks	Kahn architecture; 1940-1942	Poor	B	4
5187	Radar Tower bunker	1942-1945	Fair to Poor	B	4
631	Small Radar Building	1942-1945	Fair	B	4
S956	Underground Shelter	Battle of Midway	Good	B	4
353	Carpentry Shop	Kahn architecture; 1940-1942	Poor	B	4
361	Electrical Switch Station	1942-1945	Fair	B	4
S2123	Plaque in Midway Memorial	1942-1945	Good	B	4
S2409	Two 5-inch Naval guns in Midway Memorial	1942-1945	Good	B	4
E-6	Revetments	Battle of Midway	Poor	B	4
E-1	3-inch Anti-Aircraft Gun	1942-1945	Poor	B	4
S-4	Cemetery; Bauer Road	No theme	Good	C	4
S-5	Three Japanese Memorials	No theme	Good	C	4
628, 619, 623	Cable Station bldg Complex.	Colonization	Poor	D	4
626	Cable Station bldg	Colonization	Poor	D	4
144	Diesel Power Plant and Salt Water Pumping Station	1942-1945	Poor	D	4
521	Command Post	1942-1945	Fair to Poor	D	4
S9132, S2117	Seaplane Ramps.	1940-1942	Poor	D	4
E-2 (E-21)	Underground Bunker, east of runway	Battle of Midway	Poor	D	4
E-7, E-8	Possible Gun Positions, south shore.	Battle of Midway	Poor	D	4

5.3 Summary of Ranking Priorities and Treatment Recommendations

All of the properties (32) that fall under historical value ranking (HVR) category A should be considered the highest priority for reuse at Midway in some capacity because of their historical significance and functional potential. However, the A-ranked properties include a wide variety of reuse potentials and resource types, therefore, there are three levels of treatment: Rehabilitation, Mothball, and Minimal Maintenance. The level of treatment thus goes from intensive to minimal, reflecting the structural complexity of the resource and providing maximum flexibility for their management.

IMMF Midway Feasibility Study

A DOCUMENT TO CREATE SOUND FISCAL POLICY FOR THE MIDWAY ATOLL AT NO TAXPAYERS EXPENSE

We begin by mentioning the basic rule that any justifiable fiscal policy should enjoy the strong desire and commitment by those in charge of the policy to ensure its success.

Midway Atoll is unique in that it is at the same time both a Wildlife Refuge and a National Memorial. Its islands offer to the public beautiful beaches and sunsets, excellent opportunities for boating and fishing, and a significant natural and historic

resource. Of critical importance is that its airport remain an alternate landing site for extended twin-engine operations (ETOPS) in the north central Pacific, and for search and rescue missions run by the U.S. Coast Guard. All of the foregoing factors must be kept in mind when creating any operating plan for the Midway Atoll.

This document includes a cost/revenue statement for the month of July 2001, the only month in its six-year tenure in which the Midway Phoenix Corporation (MPC) made a profit while administrating the Midway Atoll. An analysis of this statement and some overall recommendations will follow.

STATEMENT OF OPERATIONS by MPC for July 2001:

Revenues:

Guest Operations:

Lodging	\$124,836.95
Per Diem Lodging	20,815.00
Clipper House Sales	18,991.40
Galley Sales	27,465.72
Bike and Cart Rental	14,237.50
Tavern Sales	9,222.25
Gift Shop Sales	19,881.15
General Store Sales	13,675.48
Long Distance Revenue	8,275.19
Fishing and Diving Revenues	58,073.97
Internet Revenue	1,061.65
Mini Bar Sales	2,723.75

Total Guest Revenues:	\$319,260.01
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Air Transport Revenues:

Airfare	\$ 3,439.05
Shipping and Weight Revenue	2,820.00

Total:	\$ 6,259.05
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Fuel, Airport and Equipment Operations:

Dockage Service Income	\$ 210.00
Fuel Sales—Aircraft	69,694.65
Fuel Sales—Boats	39,236.81
Fuel Sales—FWS	952.00
Landing Fees	5,960.00

Total Fuel, Airport & Equipment:	\$116,053.46
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All Other Revenue:

Employee Recreation Revenue	\$ 11,760.00
Medical Billings Guests	2,851.00
Miscellaneous Revenue	35,979.40
Boeing Support	66,000.00

Total All Other Revenues:	\$116,590.40
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TOTAL REVENUES FOR JULY 2001:	\$558,162.92
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Transportation:

Aloha Charter Expense	\$ 85,200.00
Aloha Fees and Expenses	8,123.21
Vessel and Boat Expense	7,379.52

Total Transportation:	\$100,702.73
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Travel:

Airplane Tickets	\$ 13,316.58
Travel	7,472.39
Recruiting Services	643.84

Total Travel:	\$ 21,432.81
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Fuel Consumed by Fixed Base	\$ 30,275.28
Fuels Consumed by MPC Vehicles	2,850.35
Galley and Cost of Food	18,290.72
Satellite and Fixed Telephone	677.22
Telephone Long Distance	1,249.67
Telephone Supplies and Equipment	379.75
Material, Supplies and Maintenance	15,913.08
Airport Expense	984.00
Medical Supplies	1,807.68
Freight	1,753.85
Office Supplies	1,009.31
Employee Recreation Expense	745.42

Total General Island Support:	\$ 75,936.33
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All Other Expenses:

Advertising	\$ 3,148.99
Professional Services	1,122.19
Phoenix Services	11,000.00
Taxes and Licenses	10.00
Bank and Card Fees	1,011.91
Miscellaneous Expenses	1,180.16
Lease Expense to MDY	22,800.00

Total All Other Expenses:	\$ 40,273.25
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Total Expenses:	\$444,759.94
Total Revenues:	176,232.48

Total Net Loss:	\$268,528.46
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ANALYSIS:

The purpose of presenting a low-tourist month for analysis becomes obvious when one looks at the financial data for the month of January 2000: that is, it demonstrates that tourism to Midway is essential for the financial viability of the Midway Islands.

The net loss for operating Midway Atoll in January 2000 was \$268,538.46. The loss rises to \$372,951.48 if one excludes the revenues from tourism and visitors. Total fuel sales for that month were \$35,907.99, which is pale in comparison to the revenues from Guest Operations (\$104,423.02).

Again, the striking conclusion is that tourism is vital to the financial success of Midway Atoll and that fuel sales fall far short in making the Atoll financially solvent.

To this end, it is imperative that an experienced, committed entity be in charge of the total operations at Midway Atoll. All of its individual revenue sources are invariably linked and, as such, must be under one chain of command. Anything less will result in financial failure, leading inevitably to the closure of the airport, as well as to the closure of the Midway Atoll itself.

TOTAL REVENUES:	\$558,162.92
TOTAL EXPENSES:	\$532,025.22
<hr/>	
NET PROFIT:	\$ 26,137.70
JULY 2001	

ANALYSIS OF THE REVENUE/EXPENSE STATEMENT FOR THE MONTH OF JULY 2001:

Based on the above revenue/expense statement, one can conclude that it is possible to make a profit in the operations of Midway Atoll if reasonable rules of governance are applied. July 2001 was chosen because it was the only month MPC made a profit. July was also chosen because it is a peak tourist month and one in which a cruise ship did not visit Midway. A cruise ship visitation during this time period could have substantially increased the revenues. This same source of revenues was lessened when the U.S. Fish and Wildlife Service (USFWS) increased the restrictions for visiting cruise ships.

From the above revenue/expense statement, it is also clear that fuel sales alone are insufficient to offset the administrative expenses (\$532,658.91) of running Midway. It is therefore axiomatic that, based on the foregoing data, all of Midway Atoll's assets be utilized to ensure its financial viability. For this reason, the Midway Atoll should be viewed as a "histo-eco-tourist" destination.

Along these lines, it is important that the Midway Airport continue to maintain its Type 139 certification by the Federal Aviation Association (FAA) to ensure that the airport: (1) continues to act as an extended range alternative landing site for twin-engine aircraft (ETOPS) which cross the north central Pacific; (2) continues to be available to the U.S. Coast Guard's search and rescue missions and (3) continues to ensure the "histo-eco-tourism" status of the Atoll.

Specifically, the FAA requires a Type 139 Airport Certification for "the operation of land airports which serve any scheduled or unscheduled passenger operation of an air carrier that is conducted with an aircraft having a seating capacity of more than 30 passengers." Without this certification, a sound fiscal policy is impossible.

There are a potential number of other sources of revenue that are "histo-eco-tourist" friendly. These resources can be developed if this document is found to be acceptable to Assistant Secretary of Interior, Judge Craig Manson.

Critical to the long-range success of operating Midway is a prior written statement by the USFWS/DOI which delineates the specific rules of operation and restrictions before a contract with the private sector is agreed upon. This statement is absolutely necessary so that the rules of the operation and restrictions are not changed after the fact, which has led us to where we are today.

Moreover, a complete financial picture requires a thorough study to determine the cost of upgrading Midway's infrastructure to standard operational levels, as well as the maintenance costs of such infrastructure.

To conclude, the International Midway Memorial Foundation (IMMF) would recommend a permanent Advisory Board of Governors including the USFWS, National Park Service (NPS), International Midway Memorial Foundation, U.S. Coast Guard, U.S. Navy, FAA and the private sector corporation operating Midway Atoll. This Board would be responsible for overseeing the best interests of Midway and report back to the DOI quarterly in its first year of operation.

The International Midway Memorial Foundation (IMMF) is privileged to have had the honor of preparing this document for Judge Manson's review. The Foundation also expresses its special appreciation to the Midway Phoenix Corporation¹ for its assistance in providing and explaining the financial statements included above, and

¹ The IMMF wishes to stress that it has no financial or other relationship with Midway Phoenix Corporation. The use of the financial information is for the sole purpose of demonstrating that Midway Atoll can be operated on a sound fiscal policy if reasonable rules of operation and restrictions apply.

to the Boeing Corporation for its support and willingness to assist in the production of this document.

Prepared by the Board of Directors and Trustees of the International Midway Memorial Foundation on January 8, 2003.

James M. D'Angelo, M.D.
President/International Midway Memorial Foundation

ADDENDUM:

**STATEMENT OF OPERATIONS FOR MPC
JANUARY 2000**

Revenues:

Guest Operations:

Lodging	\$ 33,459.21
Per Diem Lodging	1,300.00
Transient Lodging	17,070.00
Clipper House Sales	2,881.49
Galley Sales	21,736.51
Tavern Sales	1,201.25
Gift Shop Sales	6,189.95
General Store Sales	7,747.42
Long Distance Revenue	9,519.19
Bike and Cart Rental	3,080.00
Mini Bar Sales	238.00

Total Guest Operations Revenue: \$104,423.02

Air Transport Revenue:

Airfare	\$ 21,285.91
Shipping and Weight Revenue	3,891.68

Total Air Transport Revenue: \$ 25,177.59

Fuel, Airport and Equipment Operations:

Fuel Sales—Aircraft	\$ 31,002.08
Fuel Sales—Boats	5.40
Fuel Sales—OSE	167.50
Fuel Sales—FWS	354.00
Landing Fees	1,979.01
ETOPS	2,400.00

Total Fuel, Airport & Equipment: \$ 35,907.99

Prepared for

United States Department of the Interior
 Fish and Wildlife Service
 911 NE 11th Avenue
 Portland, Oregon 97232

REMOVAL ACTION WORK PLAN
REMOVAL OF LEAD-BASED PAINT FROM
STRUCTURES AND LEAD-CONTAMINATED SOIL
MIDWAY ATOLL NATIONAL WILDLIFE REFUGE
MIDWAY ISLAND
CONTRACT NO. F11PC00327

Prepared by

NW Demolition and Environmental,
 A Joint Venture



P.O. Box 230819
 Tigard, Oregon 97281

29 February 2012

**NW Demolition and Environmental,
 A Joint Venture**

7. DEMOLITION

7.1 General Demolition

The general demolition project sequence includes:

1. Abatement of environmentally controlled materials (LBP and ACM);
2. Salvage of re-usable components;
3. Demolition of the upper structure down to slab level;
4. Demolition of slab and footings;
5. Backfilling/grading with clean un-compacted sand; and
6. Other site restoration items and final site cleanup.

The wood framed Midway structures will be demolished with a 29-ton excavator fitted with a rotating grapple and/or bucket and thumb (or similar machine). NWDE will separate unpainted wood from non-recyclables as reasonably achieved with this heavy equipment.

Care will be taken to maintain the materials within the building footprint. The goal of this initial bulk demolition process is to lower the materials to the ground in a safe and controlled fashion, limiting the production of fugitive dust and the risk of

flying debris. Sites that include slab removal will be restored to grade with uncompacted clean sand to promote rapid habitat restoration.

The wood-framed structures will be sorted into painted and unpainted wood. Painted wood will be hauled to the R-2 unit and treated with MAECTITE for disposal. Unpainted wood has the potential to be stockpiled with green waste and recycled on island. Due to the presence of nails and other mechanical connection items contained within the unpainted wood, this option may not be feasible.

Before performing any onsite fieldwork on Midway, NWDE will complete a Decommissioning/Inspection Form that highlights all the known potential issues that may exist. This form is initialed by the FWS PM or designated representative to attest to the awareness of these factors. Typically on a project site, all power (i.e., energetic) is deactivated prior to work commencement.

7.2 AST Demolition

The ASTs in DU8 scheduled for demolition will be accessed using an excavator/shear. The excavator will begin peeling strips from the exterior of the tanks. Shears will be used to minimize demolition volume and maximize recycling and reuse of materials. The tanks will be cut into manageable strips sized proportionately for transport, typically less than 20 feet in length using hydraulic shears or cutting torches. After the walls of the tank have been sufficiently removed, the floating roof residing at the bottom of the tanks will be processed. The tank steel will be stockpiled onsite until the end of the project and finally transferred to the chosen recycler by NWDE.

7.3 Waste Management

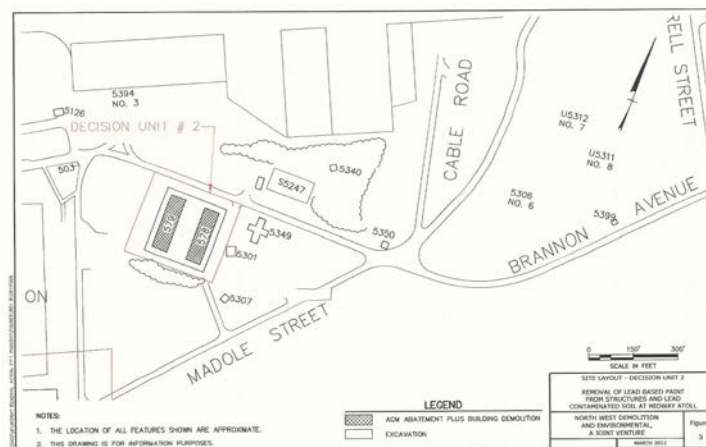
Materials from the Midway demolition activities will be separated to the greatest degree possible with specialized heavy equipment. Materials will be processed onsite to the degree possible to minimize transportation requirements. The following summarizes the general management of demolition materials generated on this project.

7.3.1 Clean Structural and Vegetative Wood Wastes

Clean structural wood (free of LBP and ACM) from the demolition of select buildings that can be separated from other demolition debris will be stockpiled with vegetation in a location on Site mutually agreed upon between NWDE and FWS for later processing. The final disposition of the material has not been determined although preliminary plans include downsizing the material and potentially grinding into mulch.

7.3.2 Metal Demolition Debris

Metals that can be separated from other demolition debris will be stockpiled in the existing "bone yard" immediately east of the Seaplane hangar. The metal demolition debris may be reduced in size and packed into containers or alternatively transported in its current state. The metal demolition debris will be barged off Site to a recycling facility by NWDE.



[LIST OF DOCUMENTS SUBMITTED FOR THE RECORD RETAINED IN THE
COMMITTEE'S OFFICIAL FILES]

10-08-2014—Mr. James M. D'Angelo, M.D., USAF, Chairman and
Founder, IMMF letter to Citizen's Stamp Advisory Committee

11-20-2014—Chairman Fleming, Congressman Jeff Duncan letter
to Citizens Stamp Advisory Committee

11-23-2014—Ms. Bonnie Campbell letter to Chairman Fleming

12-06-2014—Mr. Richard H. Batcheldor letter to Chairman
Fleming

